

Minutes  
Regular Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, September 26, 2006

Meeting called to order at 7:50 pm Tuesday September 26, 2006 at the Municipal Building Mount Kisco, New York.

**Members Present:**

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

**Members Absent:**

**Joseph Morreale**

**Staff Present:**

**Nanette Bourne  
Whitney Singleton  
Michael Stein**

Chairman Cosentino: This is Tuesday, September 26, 2006. This is the Planning Board, and this is a Regular/Work Session. Is there a motion to approve the minutes of July 11, 2006?

Stanley Bernstein: Mr. Chairman, I'd like to make a motion to approve the minutes.

Doug Hertz: With the following changes: Page 11, change the spelling of the name to Sandolo, and on page 29, line number 5 and 6; it should read *why would you think that it is something*, insert the word *it*, and on line number 6, after the word *faced*, insert the word *with* so it reads *faced with down the immediate road*, and those are my only two changes.

Chairman Cosentino: With those two changes, again, all in favor?

Stanley Bernstein: Motion - Aye

Doug Hertz: Second - Aye

Sol Gibbons: Aye

Ralph Vigliotti: Aye

Vice Chairman Sturniolo: Aye

Chairman Cosentino: Aye

**Continuing Review:**

**Louis DiLisio  
486 Lexington Avenue  
Application No. PB2005-12  
Bob Scopelliti, representing the applicant**

Chairman Cosentino: Okay. Louis DiLisio. Identify yourselves for the record, please?

Bob Scopelliti: I'm here actually on behalf of the DiLisios. They are both on business out of the country, actually, and I'm a good friend of the family so I volunteered my evening to come down and talk about whatever is necessary.

Nanette Bourne: This is an applicant that has already received a variance, so it's progressively on its journey. It requires several permits. One, site plan approval from the Planning Board, and second a Storm Water Pollution Prevention Permit from New York City DEP. There is a short environmental assessment form that is included in this, it's time to declare your intention to become lead agency, and this will be circulated to other agencies, primarily DEP. The Village Attorney has a memo which outlines the basic issues that DEP will be interested in, and issues that I tried to communicate to the applicant's attorney will be required for site plan approval. Primarily, and it has nothing to do with the merits of the project, it's wonderful to see the trailers and sheds being replaced by this building, but it still requires that it be engineered, that there be another storm water system and those as well as the site lighting plan and erosion control outlining the village attorneys memo.

Whitney Singleton: By the way, I'm billing for that even though it was written by the Village Engineer. It's Michael's letter, not mine. I think if I could just jump in because of the issues that came up at the last meeting. The application had been submitted previously without an environmental assessment form, and quite frankly, I don't know how it got through Zoning Board of Appeals but it did. But in any event, the EAF has now been submitted, and there is more than one involved agency, more than just your

board, and we need to circulate a Notice of Intent to be Lead Agency, and we also need to confirm the public hearing date that was set at your board's last meeting. October 10 is the public hearing, and your board had indicated that they wanted to set at its last meeting in September.

Chairman Cosentino: Alright we need to vote on that.

Whitney Singleton: I'm sorry the public hearing was for was the wetlands permit.

Nanette Bourne: We've already set the public hearing, so that's going forward. You just need to vote on your intent to be lead agency.

Chairman Cosentino: Okay do we have a motion?

Vice-chairman Sturniolo: Mr. Chairman, I'll make a motion that Mount Kisco Planning Board intends to declare themselves lead agency on the DiLisio application at 486 Lexington.

Chairman Cosentino: We have a motion by Vice-chairman Sturniolo, do we have a second?

Ralph Vigliotti: I'll second it.

Chairman Cosentino: Second by Mr. Vigliotti.

Motion: Vice-chairman Sturniolo: Aye

Second: Ralph Vigliotti: Aye

Sol Gibbons: Aye

Stanley Bernstein: Aye

Doug Hertz: Aye

Chairman Cosentino: Aye

Chairman Cosentino: Okay, that's it, right Nannette? You're on your way.

**Continuing Review: 333 North Bedford Road  
Application No. PB2005-21**

**Present: Michael Gallin, Architect  
James Diamond  
Neil Alexander, Attorney at Law  
David Stolman  
Lester Steinman**

Chairman Cosentino: Okay, 333 North Bedford Road.

Doug Hertz: Mr. Chairman, it has come to my attention that I may have a conflict of interest with regards to this matter. After consulting with house counsel and special counsel, I am, for the time being until I get a more thorough look at this, going to be excusing myself from the discussion.

Chairman Cosentino: Alright, you can just sit if you want. Would you come up and identify yourselves for the record, please?

Michael Gallin: Yes. Hello. My name is Michael Gallin. I am the architect working on this application.

Jim Diamond: Jim Diamond.

Michael Gallin: Mr. Chairman, if I'm not mistaken, our first item on the agenda tonight is going over the memorandum that we submitted covering the additional information that you had requested as conditions to the issuance of the building permit under the initial site plan approval. I don't know how you'd like to handle this. I can go through item by item if you'd like and walk you through each of them. If not, the specific ones that you have questions about.

Chairman Cosentino: I don't think we have to go item by item.

David Stollman: It seems to me that these are things that would be submitted in order for the applicant to tend to get a building permit, so a number of these things are to be received and checked off as received. Several of these things need to be looked at, like the lighting plan to see what was actually conformed to, what the intention was, what

was specified in the resolution, and I would think that Austin might be the appropriate person to serve as quarterback and corral this thing, and I could interact with him and review the things that need to be reviewed by my office. I don't think there is anything thing that Les needs; but I could work with Austin to make sure these things -.

Lester Steinman: I would point out that items 2 and 4, the legal documents are required to be recorded.

Michael Gallin: That is in process. We haven't been able to get confirmation yet that it has officially been completed.

Chairman Cosentino: Also, two; one and two; two and four. And you will follow that through, right?

Michael Gallin: Yes. Item 17, basically states that they need to be recorded and we say submission is pending and we are awaiting results of that. That's the only open item from our standpoint.

Chairman Cosentino: Okay. Is there anything else on this?

David Stolman: Not on this portion.

Chairman Cosentino: Let's go to the second, then.

Michael Gallin: Do you want to jump forward to Grand Prix New York?

Chairman Cosentino: Yes. Go ahead. I assume the board read all these letters that are before us.

Michael Gallin: Are those public records at this point?

David Stolman: We haven't received copies of those neighbors' letters yet.

Michael Gallin: It might be useful for us just to have the opportunity -

Chairman Cosentino: We'll get copies to you.

Michael Gallin: Since we've met last, Austin Cassidy has reviewed the submission and has asked a series of questions of which we answered presumably to his satisfaction. He has submitted a letter which I know you guys have been copied on stating his determination that this use is permitted within the zone, under special permits, presuming that the board finds it to be appropriate, per the requirements in the zoning code. We've just received a letter tonight from David Stolman, which I believe the board has also seen, outlining a series of requirements. I quickly reviewed the letter and felt that the information he was looking for was certainly reasonable, and we had no concern about providing that. We will work diligently to put that together. I guess we'd like to hear from the board if there is any additional information that the board would like to see. Obviously, I presume you haven't had an opportunity to review David's letter.

David Stolman: Shall I go over that? It's not very long.

Chairman Cosentino: Why don't you go over it?

David Stolman: To sort of paraphrase through this, we first listed the documents that we reviewed specifically the two documents that came in bound entitled Grand Prix New York, Mount Kisco Planning Board Application, July 17, and the supplemental document that is thinner but has the same kind of cover on it, and also the letter from Jim Diamond dated the 17<sup>th</sup> of July. As Michael just said, we received a copy of the memo from Austin that is good reading, and on a preliminary basis he said that this would qualify as a membership club but there needs to be additional information submitted, and it would have to meet certain tests in order for him to say that it really doesn't comply as a special permit use of the zone. I didn't want to paraphrase his memo in my memo; I think its best just to read it to see what he actually says himself. So if I didn't characterize that entirely correctly, it's worth reading his. So as of the writing of his memo there had not yet been an application for special permit approval submitted to the Planning Board, which I guess was submitted.

Michael Gallin: That was submitted today; special permit application along with the full -  
-----.

David Stolman: As we mentioned at the bottom of our page, the application should meet the basic requirements for such an applicant as enumerated in the code and should also address the general criteria for special permit uses enumerated in Section 11046, and the specific criteria for membership clubs enumerated in 110 24P 2A of the zoning law. So what we actually meant was, it needs to be more than just the application forms submitted, and what's been submitted today was the application form, plus the EAF, which really doesn't contain that much information. I know this is to supplement what you've already submitted.

Michael Gallin: If I can just say, the material that was submitted previously was submitted under the auspices of an amended site plan approval. It's our belief that all of that material is also applicable to the special permit application, and we ask that that be reviewed as part of the special permit application as well and not re-submitted in identical form. We understand that David has asked for some supplemental information that we'd be happy to put together.

Lester Steinman: I don't know if we have an objection to that, but I think what is necessary is a narrative that addresses specifically both the general conditions and the special conditions and how your application meets it.

Michael Gallin: We'll do that as a response to David's memo.

Chairman Cosentino: I don't know when the proper time is. This was a special use permit, and this is all given to the zoning by the village board itself. And I think we need either a meeting or some dialogue between the village board and ourselves. I don't know if this is what Bedford envisioned either. I think Bedford has to be involved in this.

Lester Steinman: That certainly at a latter point is something that I discussed with the applicant's counsel that maybe they could get a determination from Bedford whether any permits are required there that will affect other things, how this application is processed from SEQRA's standpoint; so that issue has been raised.

Chairman Cosentino: Has it? Okay.

Neil Alexander: ----- when you look at the code for Bedford, obviously it's Bedford's decision, when you look at the code for Bedford, personal services uses are permitted in the zoning which is classified in Bedford, and expressly under the accessory uses in Bedford are dining facilities, recreation facilities, as accessory to personal service facility. And that's really what Sy is doing here.

Chairman Cosentino: It's good but I don't want the Bedford board saying, hey Mount Kisco, it's on our borders, you didn't consult with us, and I think we want to be neighborly.

Neil Alexander: Also when we circulate notice of your intent to be lead agency the full EAF will have a lot of information.

Chairman Cosentino: We're going to need to know what goes on at that meeting also.

Lester Steinman: We're going to have to make a formal referral to the Town of Bedford in any event, so they will clearly be informed, but I think to have this issue addressed sooner rather than later in Bedford is a good idea, if there are any obstacles in Bedford that they need to overcome.

Chairman Cosentino: And right now I'm reserving some comments. On this booklet you gave me it tells me that we're dealing with two different things. We're dealing with racing cars and leagues and schools, and this is not my writing, this is your writing, and then we're dealing with a conference center. So I see it not as a blend, but I see it as two different things happening. And I've got to be convinced that that's not what it is. And right now I'm not convinced.

Jim Diamond: They way its set up is the conference facility is only there just to support the actual racing; the actual track usage, and in fact it is mandatory that all conferences have to be there for the racing. That's really the business driver. If corporations are looking for a place to just have a general conference, there are a lot of places that would do it that are substantially less expensive.

Chairman Cosentino: So we are seeing this as two different things, and I'm not wrong by saying that - that I'm seeing two different aspects of what is going to be there. I'm seeing racing cars, where clubs are going to get involved, and then I'm seeing a conference center where, as the gentleman here says, companies like Goldman Sachs

may get involved, so I see two things. And I've got to separate that or they've got to blend together. I don't know what it is. I'm very confused on it right now. I need more time to study is what I need.

Jim Diamond: Of course, Mr. Chairman.

Chairman Cosentino: I will be taking a ride to Boston also.

Jim Diamond: Terrific.

Neil Alexander: I think it may help, if I may, it's really more the use of the track is the gatekeeper. You're not allowed to do any kind of breakout meeting aspects unless you're using the track. And it may also be sort of a little bit of a dead time issue. Which is, you're not going to be racing all day long, and it is a team building aspect, and therefore you're going to come there for that use, the track use; the fact that there may be the ability to have a breakout meeting that may go beyond the scope of just how to drive your cart better. Your gatekeeper is you have to be coming there.

Chairman Cosentino: But then, in the same token, we're reading a restaurant, 5,000 square feet.

Sy Aryeh: It's not.

Chairman Cosentino: Well you said it was. I'm only quoting what you said.

Sy Aryeh: It was an incorrect number from a long time ago.

Chairman Cosentino: As a matter of fact, the number was 5,100 square feet.

Sy Aryeh: The submission that we gave you as part of the July 17 was revised substantially down from that.

Chairman Cosentino: I only can go by what I was told. So these are the things that this board has to deal with, and I just want you to know. It needs to really be studied more, because I read this, and I got this feeling, and it confused the hell out of me, I've got to be honest with you. And I really have to sit down with you and go over this.

Ralph Vigliotti: If you can spend two or three minutes, we have residents of the community that are here that may not have some of the documentation we have. Spend three or four minutes with us and please go through this use. Why race car versus mini golf? Versus anything else that may draw people to a conference center. I want to know more. Paper is one thing. I want to hear for the minutes what you're envisioning. I'm hearing pieces here and there, and I've read through this. I just want to hear the concept for four or five minutes, and I want our neighbors in that area to also hear it.

Chairman Cosentino: Are there any neighbors here?

Ralph Vigliotti: Yes, and they need to hear this.

Chairman Cosentino: Good I'm glad. Do you want to come forward more?

Ralph Vigliotti: So, Jim, there's a long process here, and if somebody could just in three or four minutes capsule what you're envisioning here in some kind of formal dialogue.

Michael Gallin: Sy Aryeh is with us, and he is the managing director – is that it? He's the leader of this, and I think he'd be the best person to speak to that vision.

Vice-chairman Sturniolo: Would you also add in your presentation what you're not going to do?

Sy Aryeh: Yes. Absolutely. Grand Prix New York is a racing facility that caters to a very high end, generally speaking adult male clientele that are motor sport enthusiasts. These are guys that like expensive cars, they like to watch racing, they like to race, and they want to come to a place that generally speaking year round experience this racing - ----- . It's a very safe, well-known concept and it is something that generally uses small go-karts that go around the race track. As part of this facility, this is built in as a very high-end, indoor, Class A type of office space. It's a very high tech looking space. As part of this facility, they have amenities in there. We have conference rooms, and this serves also the second part of our business which is the corporate facility. Companies that come to our facility during business hours and they have their events there. It's sort of an alternative to going to having to take a bunch of their clients to a

golf outing, or to taking some of their employees for a day for a thank you event. They can bring their people to the facility; they go around and maybe do what they call time - - - - - team building exercises. It is a very sort of high end, entertainment/business educational experience on the corporate side. And for the just adult people that come after business hours and on weekends, it's a sporting event for their personal use. It's not a spectator facility at all. It's very expensive for the most part for people to come. They spend an average of about one to two hours there, and they spend from \$100 to \$200 each on the racing. It's very quiet; it has very low traffic generation. There are no trucks that come in and out of the facility, it's generally speaking, again, people that come in low volumes with cars and they stay for a considerable period of time and it's a - what else can I explain about it?

Jim Diamond: I think you should talk about why it's low volumes, what the eliminating factors are.

Sy Aryeh: Basically, the business is centered around the race tracks. We have one to two race tracks; this will be two race tracks and only a certain amount of capacity. If you look here, there are two different racetracks and each one can have around ten people on it at any one time. Generally speaking you don't have very many races that go on in the day, and you can only generate a certain number of - - - - -, and it takes time to take them in and out, and it's a process. It's a whole experience. People come, they sit down, we talk to them about how to drive the go-karts, they get educated on it, they watch videos and talk about the different techniques to use, it's an educational experience in that sense. They get their racing suits, they wear helmets, and then they go through the whole procedure. It's a league fun sort of male bonding sports experience. And that in itself, that time that it takes for somebody to go through the process and the limited number - you really can't have that many people within, even what is a very large space that limit sort of generates a very low volume, and we do not have a big turnover. Why does that make sense for us? It does make sense for us to have this low volume here because it's very expensive per person to do it. Again, this is something that has already been done in the country, very successfully so we know it can be done. We have existing management here that has been doing it. We know the business well, and again it's very complimentary to the town, I think. I live here as well, so I'm concerned in that it really does - it's a complete offset to the truck traffic, and it's a complete offset in terms of the sort of peak hours that you all are concerned about. They are generally speaking corporate hours during business hours are very, very mild, sort of like nine to five or eight to six. That is our mildest period of time with traffic, because we have small groups of companies that come in and stay for a very long period of time, on average three hours, and there is very little turnover. So that's very good in terms of, again, counter to your traffic issues. In the other hours, we don't generate that much traffic anyway.

Michael Gallin: If I could just add one thing. When we were first introduced to this use we were - it took us awhile from a learning curve standpoint to understand how the use worked. When Jim Diamond and Sy first approached me as the architect saying we want to do go-karting, the first thing I thought of was a side of the road facility, I guess, Playland doesn't have go-karting, but something for little kids, driving around go-karts with no rules, no structure. This is the exact opposite of that. They took us up to a facility that has some parallels to this facility, and in essence, it's all about structure. When you arrive, you need to check in; you need to certify that you are of age and that you can drive. You need to pay an entry fee or get a driver's license so to speak to drive these cars, there is an instructional video, there's a whole series of rules that need to be followed. You need to dress up in a big leather racing suit, a helmet, you get a series of instruction courses available at an instruction session about how you drive, and then the races are very structured, and then during the race there are computer printouts showing performance, and the like. So, I think part of the concern of this may be a misunderstanding based on the majority of low end go-kart facilities that people may be familiar with. These cars are not for children, the facility is - it's really adult recreation. Sy I think you should also speak about some of the things that this won't be in terms of entertainment, and Jim I think you should also add, from an ownership standpoint, why you see it so advantageous.

Sy Aryeh: I think that it's very important that we express that this business really does not want nor is it sort of targeted to what would be considered night time entertainment at all. The concept here is for it not to be a bar scene. Not to be an entertainment facility for the public to come and to drink or to hang out. It's not for that at all. This facility is not, number one, a spectator facility, people don't want to come and watch racing it's just boring. The second issue is that we have controls. We don't want people to come in and drink and/or eat if they're not racing. We don't allow them, we don't want them there. And you won't have things like music events where people can just come in; that is just not what we do. Other facilities have done it, but that's now our

thing at all. This is really targeted specifically toward the racing as the core having very, very adamant enthusiasts come towards this, and for the corporate business that comes and I think it's really very placid as a use in terms of that regard, and ----- to the community. We're not here at all to make noise, to make traffic and to make it something that's going to be a detriment to the community, actually its to the contrary.

Jim Diamond: And from our perspective, Diamond Properties, our interest was really; number one was really the traffic generation. I mean that's really been our biggest focus with this property is controlling the trip generation that comes out of it. What we really liked about this use when Sy came to us with it as a potential is that a: it's extremely large, it's 120,000 square feet, so its around 20%, a little bit larger than 20% of the overall facility. As part of our approval with Mount Kisco, we agreed to limit our total trips to and from the facility at 300 turn's peak hour, which is a relatively tight threshold. So Sy's ----- that is, would be approximately 63, 64, 65 trips, and our analysis shows that he only even approaches that rarely – there is only a couple of hours throughout the week where he is even in that range. Most of the time, he is substantially lower than that. The reason being that the majority of the facility is occupied by these two tracks which have a maximum capacity of ten to twelve racers each maximum but typically are going to have like 6, 8, 9 people each. So you've really only got like 16, 18 people potentially racing at any one time, and typically people are going to be racing for over an hour for three or four races and then they're going to stay for a little while, so there is relatively low turn over for the facility. So, there is a natural limiting factor to the way the facility is structured, such that it is really impossible for this type of use to exceed its limitations because business wise it just doesn't work. Beyond that we can add protections into our lease with Sy and the Planning Board would add protections in any approval resolution limiting his operation. But we really like the fact that structurally it's limited. We also spent a lot of time looking at things like noise. We hired our own consultant to really analyze the way these cars work, and he determined that within five feet of the building, the noise would be less than that generated by a typical refrigerator. So it's essentially inaudible outside the confines of the building, especially since the way we've laid it out the tracks are actually behind a number of other tenants. The only portion – this is all the entry and office space and the only portion the tracks would be along an exterior surface would actually be along the railroad tracks.

Chairman Cosentino: Just, very briefly in your booklet, which I would like some of these people to get because it's interesting, you talk about, and you've been good to the village, but I need to bring this up. You talk about adult leagues and schools. You talk about junior leagues and schools. You talk about adult and junior leagues more details. You talk about adult leagues and championship racing programs. What does this do? Tell me about the school programs. What does this do? See, I'm hearing something else again.

Sy Aryeh: The adult leagues and the junior leagues in the schools for both of them are really just sort of an extension of what our regular...

Chairman Cosentino: What schools are they? Is this all schools throughout the county?

Sy Aryeh: No, no, no. I'm sorry. Okay. Alright. What these schools are are basically advanced driving clinics.

Chairman Cosentino: Schools within?

Sy Aryeh: They are within the same program. Exactly. So what it is if we have members that are coming, and they really enjoy it and they want to get better at driving, whether it's a father who wants his son to become a better kart driver; to learn how to kart; to become a better driver, we have schools. It's our school. It's a clinic, is really what it is. We have an instructor that's there. We have staff that are trained for this, and they come and they spend on average about an hour – two hours for a clinic, and they come and we train them. We have classroom sessions about driving technique, physics, and vehicular dynamics. We talk about all the different things that are part of racing. And then they go out and they drive, and we show them what they're doing wrong. It's educational as well as part of a fun of it.

Chairman Cosentino: And this is within a conference room?

Sy Aryeh: No. Part of it is within our conference rooms, and most of it is on the track. So when I say schools, it doesn't mean anything other than it's just a clinic to learn how to drive better in our facility.

Ralph Vigliotti: What is the age group that we are talking about here?

Sy Aryeh: For the juniors or the adults?

Ralph Vigliotti: Well, juniors.

Sy Aryeh: Juniors can vary from 8 years old to 16 years old. I think it's basically the curve is 16.

Ralph Vigliotti: So, you could – if you're very popular you could have quite a lot of these leagues being serviced.

Sy Aryeh: The leagues for the juniors are only on Saturday and Sunday mornings, and they are early in the morning. Very early in the morning. Outside of that there are no junior programs.

Ralph Vigliotti: There is just so much here that we need to take a peek at. I don't truly know the connection with the conference center and the go-karts; whether the go-karts can happen without conferencing, or whether the conferencing, as a conference center, can be used without the go-karts. So, are we saying we're going to have a conference center, but we don't need to use the go-karts?

Sy Aryeh: No.

Ralph Vigliotti: Is there a connection?

Sy Aryeh: Yes.

Ralph Vigliotti: One hundred percent connection?

Sy Aryeh: Yes.

Ralph Vigliotti: Anyone that's using, leasing the conference center must be connected to the go-karts.

Sy Aryeh: Yes.

Ralph Vigliotti: Okay.

Sy Aryeh: The conference centers are primarily, to every extent except for in a situation where we are in a classroom session for a clinic, are used for corporate outings, corporate team building exercises. Those conferencing facilities are strictly there to supplement the racetracks and the usage of the racetracks. They are in addition to and a sort of facilitation of the racing part of it. The company will come to us to use the race tracks primarily.

Ralph Vigliotti: So if I'm a CEO and I want a conference, I have to check off both; I will be using the track and I will be using the conference centers. Correct?

Sy Aryeh: Practically speaking, yes.

Ralph Vigliotti: Aah –

Michael Gallin: More than that, you need to pay for both. You need to rent the track.

Ralph Vigliotti: But I could check off both, and say, you know what, I just want the conference center; we don't need the track.

Jim Diamond: But it's approximately \$2,000 an hour. What you're doing when you're reserving a corporate conference is you're reserving one of the two tracks, plus some conference facilities, and its \$2,000 an hour. So if you're really just looking for a room to meet----

Ralph Vigliotti: For example, we'll use Goldman Sachs. \$2,000 for an hour is absolutely a drop in the bucket. We don't have – I want to be careful in saying this – if the facility opens we don't have a lot of control of what goes on inside, so we have to be very careful about the establishment.

Chairman Cosentino: Oh, but we can control.

Ralph Vigliotti: But, you know what? Weeks and months can go by before we can get in to find out what's going on, so we, very carefully up front have to put in lots of lots of pieces. I have a problem with the alcohol. Will this be alcohol free, or are we saying



you're going to serve alcohol and there's going to be a lounge with a bar situation with a bar that you can sit at?

Chairman Cosentino: It's a complete restaurant bar.

Ralph Vigliotti: That's why I need to – there are lots of pieces still missing here.

Jim Diamond: I think it's important to highlight that its not - the café is only for people who are racing. This is not a facility that's opened to the general public where people say; hey it's Thursday night I want to go out drinking here.

Chairman Cosentino: But you do have outside membership if I'm not mistaken.

Jim Diamond: Yes, outside people –

Chairman Cosentino: Anybody can come in.

Jim Diamond: But they have to pay, they have to be racing.

Chairman Cosentino: Right. But anybody can come in from the outside.

Jim Diamond: If they're racing.

Ralph Vigliotti: If I come in and pay my \$150 for two hours, I'm not allowed to bring a couple of guests to watch? That's prohibited, totally?

Sy Aryeh: No, you are allowed to bring guests.

Ralph Vigliotti: You are? So you do have spectators, then? And you do have use of the lounge and of the bar. I want to spell all of this out. There's a lot of pieces missing here, and that's why this conversation is very, very important to everyone on the board and in the audience. So I'm envisioning, I've been to a lot of conferences in my day, and I'm envisioning the conference center, if I'm done with the conference I can go to the lounge and sit with the guys or gals, and have two or three drinks, and perhaps watch my friend who is going to race, and then I'm done for the evening, or I could stay the entire evening. There's a lot going on here. There's just a lot going on that we really need to dig deeper. There's a lot. There's not just the race cars. That's one little piece, and that may be the easiest piece to all of them, but then you're adding on as I just asked, a lounge, a bar situation. I understand now there is a restaurant to some degree.

Chairman Cosentino: How many square feet was it downsized?

Sy Aryeh: Michael, what are we at now?

Michael Gallin: I don't have the exact measurements.

Sy Aryeh: I'll draw up a ----- and call that it's now 2,400 square feet.

Ralph Vigliotti: Conference center or restaurant?

Sy Aryeh: Restaurant.

Chairman Cosentino: Combination restaurant/bar.

David Stolman: Two different spaces; on this plan, anyway.

Michael Gallin: Yes. We've been discussing combining the bar into the restaurant. We will make that modification.

Lester Steinman: I don't think you have to answer this question now, but just following up on some valid points. I guess the village's worst case scenario is an affluent group of people decide they are going to have the racetrack as the theme for a bachelor party. They use the track, they then have their party, and they then spill out late at night onto the roads of Mount Kisco.

Chairman Cosentino: And that's the problem. That's what we don't need, that's what we don't want.

Ralph Vigliotti: And that's one of several scenarios.

Neil Alexander: That gives us a great opportunity to understand where you're coming from, distills it for us in a very clear way as we go back to the ----- with more information and sort of hone our plan as to what works financially. Understanding your fears is better.

Jim Diamond: And I think it's clear that it's not what the business is. I think we need to find a way to encapsulate that in some restrictions because that's really not – this is really about the racing.

Ralph Vigliotti: As one person I always say that every time we have a meeting – as one person there is a total misdirection on this entire application with the bar lounge. Take that out of the ballgame and I think we have something that's pretty reasonable. But the bar lounge creates something that you can't control – we can't control, down in that little valley we have a difficult time controlling a bar or restaurant situation. That bar lounge is I think a potential problem.

Jim Diamond: I think the problem is as you know any corporate outing that you have there's always a food and drink component – so it's hard to –

Ralph Vigliotti: I understand that.

Jim Diamond: Otherwise, I'm not sure how you -----

Ralph Vigliotti: I understand, but excuse the pun, it sounds like the bar is stirring the drink to this whole application, so please be careful.

Jim Diamond: I understand.

Michael Gallin: We appreciate that.

Chairman Cosentino: Is there anybody else that would like to add anything to this?

Lester Steinman: The only thing I would add in addition, I took a very quick look at the EAF but it describes the use of a quasi public recreational facility. That's a defined term in the Mount Kisco code, and I'm not sure you meet that, so you want to re-visit that.

Neil Alexander: In view of Austin's letter, we're probably going to re-define it to the private membership club definition in Subsection 24.

Chairman Cosentino: Is there anything else anybody wants to add to this?

Neil Alexander: Can I bring up one procedural issue? Do you want to declare your Notice of Intent to be lead agency, that way at least stir this up with Bedford a little bit, let them know you're going to – there's something else that's going on, and get that moving forward?

Lester Steinman: I think we haven't had a chance to review the EAF, so we are not really in a position to do that. We just got it tonight.

Stanley Bernstein: I have a little procedural problem with that. We've already declared Lead Agency to the entire project, and we are now talking about a tenant. We never have to step back and go through a rigmarole like this for a tenant. So, this really disturbs me quite a bit.

Chairman Cosentino: It's a change of use, though.

Lester Steinman: It's for a special permit, so it's a different approval.

Stanley Bernstein: Because of the special permit?

David Stolman: It's a different use than you had entertained previously.

Neil Alexander: I think also in fairness to everybody, I think what's happened triggered – you're right. We were given approval, a site plan approval and ostensibly we're not changing anything outside. Part of what happens is that because we need a special permit for this membership club, your parking ratios are TBD for a membership club as opposed to for warehouse use where it's 1 per 1,000, so it just re-opened whether there needs to be a re-calculation or a couple of spots added.

Stanley Bernstein: I would like to propose as one member that we do not deviate from the original site plan and use, and leave it just the way it was. I don't like it.

Chairman Cosentino: Well, we need to talk about it some more. They need a fair chance to present their case and we need a fair chance to present ours.

Jim Diamond: I think the more the board learns the more the board will like it. I think if you give it a fair chance I think there's a lot of good things here in terms of there being less employees, less traffic and no trucks, then a warehouse facility. You know, we went with a warehouse facility in the first place because of it's low traffic generation compared to any other uses, and I think in this type of operation we've got something that **(papers moving)** ----- less trip generation and eliminates the trucks. I think it would be helpful if we could get a couple of people to at least see another comparable facility. So if we could try to arrange something that would be terrific.

Sy Aryeh: I am personally confident in the inherent nature of the business and that you'd be happy with it. Really if there's anything that anybody would want to know, there is nothing that I would have to hide on this.

Chairman Cosentino: We realize that.

Sy Aryeh: I feel that you would be very happy with it.

Chairman Cosentino: Jim's been up front with us on everything, but we have a job to do, and we have people to protect, and we have the village, mainly to protect. And that's our main job. Jim has been an outstanding developer, he's done a lot for the village, and we like him. But we have a job to do. Okay is there anybody else?

Vice-chairman Sturniolo: Mr. Chairman, I just have one point in general toward the audience. When we talk about a Special Use Permit, that automatically triggers a public hearing, where the public is allowed to come up, speak, write letters and the collection of what the public writes, what the public says, what the Planning Board's findings are, all become part of the record, so to speak. So although you folks are not speaking tonight, you are hearing and taking notes. There will be a time down the road for you to speak your mind. And Les, I just have just a typo, on your cover sheet, number 3. According to this document it's August 11.

Lester Steinman: Right. Thank you very much. Can we reschedule this for the second meeting in October?

Chairman Cosentino: Yes, absolutely. I want to keep it up, keep it going. Reschedule it to the second meeting in October. There is a facility of this type -

Sy Aryeh: The racing is very similar. The general nature of the business is very similar other than they take a sort of entertainment tack on it that we are not going to do. That's not what we're about. That needs to be taken into consideration.

Chairman Cosentino: It's the nearest one, right? You don't have one in Hawaii we can go to do you?

Sy Aryeh: Unfortunately not. Not yet.

Chairman Cosentino: Members of this board will be going to Boston to look at this facility so we know what we are getting into if we do, and some of the staff will be going, and I heard that one or two of the Village trustees might want to go also. So yes we are going to go to Boston, look at this and see what we're up against. If anybody wants to go, the village won't pay for it. Okay gentlemen, thank you.

**Continuing Review: Westchester Residence & Club  
Kisco Avenue  
Application #PB2006-19  
Patrick Hewes, Saccardi and Schiff**

Chairman Cosentino: Okay next is Westchester Residence Club. Would you come up and identify yourselves for the record, please?

Patrick Hewes: Patrick Hewes with Saccardi and Schiff, you should have my information on record representing the project as planning consultants, development consultants, here with the members of the design and architectural team at Perkin Eastman, Rich Rosen who will be happy to discuss and answer any questions, and his assistant. Mike Finan with Schoor Depalma for engineering questions as well as owner representative applicant. Obviously following up from our meeting two weeks ago, we're here having submitted to you a draft scope and stand by ready to answer procedural questions or --- ----- questions; I think we certainly have with us examples of some of kinds of photo

simulation that could certainly occur as a part of the DEIS. We can just share those with you, but we're here to answer any sort of questions that relate to us getting to the SEQRA time line procedures.

Chairman Cosentino: Nannette, I'm going to let you –

Nanette Bourne: Sure. The applicant has submitted an Environmental Assessment Form and the presumption has been that the Planning Board would issue a positive declaration based on the size and the scale of the project. If you choose to do that that would suggest that a draft environmental impact statement would be prepared. In anticipation of that, the applicant, and at my recommendation, submitted a draft scope which had been required by SEQRA. This is a scope that outlines the areas and the issues that the applicant feels should be included in the DEIS. One I would recommend is that you make a SEQRA determination, and as we discussed in the past, your option is a positive declaration which requires the DEIS to prepare a negative declaration which suggests that the information that the applicant has provided has not identified any potentially significantly adverse impacts, or a conditional negative declaration that suggests that the applicant has incorporated aspects of the project that eliminate potentially significant impacts. As I started, it seemed that your inclination was a positive declaration, and I think that's appropriate for this project, and so you should by resolution, by motion, issue a positive declaration.

Chairman Cosentino: Okay, let's start that. I need a motion for a positive declaration on the Westchester residents club. Do we have a motion?

Stanley Bernstein: I move that we issue a positive declaration as to significance per SEQRA for the project called Westchester Residence and Club, No. PB2006-19.

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

Doug Hertz: I'll second that, Mr. Chairman.

Chairman Cosentino: Second by Mr. Hertz on a question. Will the secretary call the board please?

Stanley Bernstein – Motion - Aye

Doug Hertz – Second - Aye

Ralph Vigliotti: Aye

Vice-chairman Sturniolo: Aye

Sol Gibbons: Aye

Chairman Cosentino: Aye

Chairman Cosentino: Okay, we have a positive Dec.

Nanette Bourne: Okay, with that vote in place, the applicant as I mentioned issued a draft scope for the DEIS, and this is a requirement of SEQRA, and the board really, as lead agency, is required to conduct a public input or public hearing on this. You really have two courses of action; you can have a public hearing on the applicants draft scope, collect issues and concerns from the public and yours and come up with a revised scope post a public hearing, or you can make modifications to this as you see fit, and then have a public hearing on whether -----

Chairman Cosentino: What would you recommend?

Nanette Bourne: I can argue the benefits either way. In the past you've done it both ways. So, just throwing it out, if you want we can prepare issues and propose modifications to this, present it at the first meeting in October. You can provide us your issues and concerns, we can make modifications and have somebody schedule for public hearing either the second, or we have to see about the timing of it for the public hearing process.

Chairman Cosentino: Okay, why don't we do that?

Nanette Bourne: So it would be the second meeting in October, or the first meeting in November.

Chairman Cosentino: Yes, do it that way.

Whitney Singleton: So, that being said, if it's the second meeting in October, you're still going to want a draft scope of the next meeting, correct?

Chairman Cosentino: Yes.

Nanette Bourne: So we'll revise this draft.

Doug Hertz: Can you go over the calendar, the clock that's ticking in terms of what process we have and what deadlines we need to meet with regards to SEQRA and what we're doing. Has our vote triggered a...

Nanette Bourne: SEQRA required that you make a determination of significance within a certain period of time which you did tonight. The clock that's ticking is there is a certain period of time that you need to have an adopted scope. I think it's thirty or sixty days.

Chairman Cosentino: I thought it was sixty days.

Nanette Bourne: Then, once you have adopted the scope, then it's sent back to the applicant and they provide the DEIS and it's however long that takes.

Chairman Cosentino: You could get an extension if you wanted to.

Nanette Bourne: For what?

Chairman Cosentino: For the scope, if you needed to.

Nanette Bourne: Sure, you can request an extension.

Doug Hertz: So, we're going to make some modifications, we'll have a public hearing, get the public input, and that will all go into the scoping.

Vice-chairman Sturniolo: As one complete package, both theirs and ours.

Nanette Bourne: So, for the next meeting we will make some modifications to the scope, and you will look at that and you can decide whether or not you want that to be the scope that is submitted to the public.

Chairman Cosentino: We can make a decision then. Okay, so there is nothing else right now.

Whitney Singleton: I think we also need to provide copy of the draft to the other agencies. **(SIRENS GOING OFF)**

Nanette Bourne: Not yet. The one that will be volunteered.

Chairman Cosentino: The one that we pick. Well, that's it for tonight then on this.

Doug Hertz: So we'll put off all discussion till the next meeting.

Thank you thank you.

**Continuing Review:**                    **John's Best**  
   **353 North Bedford Road**  
   **Application #PB2006-16**  
   **Theodore Strauss, Theodore Laurence**  
   **Strauss Associates**  
   **Mario Sandolo, Owner of John's Best**

Chairman Cosentino: Next is John's Best.

Theodore Strauss: At the last meeting two weeks ago, the board requested we prepare and submit site lighting plans, which we did do. I believe you have copies, if you don't we have copies. The plan was submitted to the planners, Ms. Bourne and Ashley Ley, which they have reviewed.

Chairman Cosentino: Nannette, do you have the drafts on this?

Nanette Bourne: I have them.

Chairman Cosentino: Do you only have one? Can you give us one?

Nanette Bourne: Mr. Strauss was just explaining what he has done to provide an update.

Chairman Cosentino: But you have a draft.

Nanette Bourne: I have an update of the resolution.

Chairman Cosentino: So go ahead because we want to get to the resolution.

Theodore Strauss: Okay fine. We prepared the site plan, lighting plan details the analysis, the photometric analysis of the site, and a comparative chart of what your regulations are and what we have prepared. Everything is within the guidelines of the regulations of the town.

Chairman Cosentino: And, Nannette, you've checked this all out? Tony, have you?

Vice-chairman Sturniolo: I looked at that, yes.

Chairman Cosentino: Nannette, you approved everything on the lighting plan?

Nanette Bourne: Yes. There were two significant changes in the plan at the status of the application. One is that they received approval by DEP for the storm water prevention plan, and second they submitted a photometric plan that showed the lighting values being proposed. Michelle looked at all of those and found that they comply with the village's illumination regulations.

Chairman Cosentino: And you have copies? Doug, did you check this out?

Doug Hertz: I did. And, Mr. Chairman, just for the record I'd like to say thank you. I know we held you up last minute, and this had to be done quickly, but I'm glad we did. This is great. It complies with what we need, and I know it was an oversight however, it slipped through, but I'm glad that we did it and didn't just leave it to chance down the line. So, thank you.

Chairman Cosentino: Mario, if you don't start this job, we take over the restaurant. We're going to start making pizzas.

Mario Sandolo: I'm glad you said it.

Chairman Cosentino: We have a resolution of re-approval. Nannette, you went through this I guess. Whitney, you want to check it?

Whitney Singleton: I have previously seen drafts of this.

Chairman Cosentino: So you have no problems.

Nanette Bourne: I have one problem, and that is on the second page. I see that the date for the DEP letter, where it says referred, it needs to be replaced, and September 7 needs to be added to that.

Chairman Cosentino: Okay. Alright we have a resolution. Do we have a motion here?

Vice-chairman Sturniolo: Mr. Chairman I make the motion that we re-approve the previously approved site plan for John's Best Pizza, Applicant Planning Board 2006-16, predicated on the corrections that we just made to this resolution in front of us a moment ago.

Nanette Bourne: On the middle of the first page –

Vice-chairman Sturniolo: Three and four.

Nanette Bourne: To reaffirm the SEQRA determination, so you could put that in it.

Vice-chairman Sturniolo: And as the Planning Board as Lead Agency, we re-affirm this proposed action will not have the significant effect on the environment, and a draft environmental impact statement will not be prepared.

Chairman Cosentino: We have a motion by Vice-chairman Sturniolo, second by Mr. Vigliotti.

Vice Chairman Sturniolo – motion - Aye

Ralph Vigliotti – Second - Aye

Sol Gibbons: Aye

Stanley Bernstein: Aye

Doug Hertz: Aye

Chairman Cosentino: Aye

Chairman Cosentino: You're on your way. Thank you Nannette for getting this today.

**Special Discussion:**           **Lexus**  
  **275 Kisco Avenue**  
  **Application #PB2005-15**  
  **Brad K. Schwartz, Zarin & Steinmetz,**  
  **John Canning, Adler Consulting**

Chairman Cosentino: Alright special discussion, Lexus, 275 Kisco Avenue, will somebody come up and identify themselves for the record, please?

Whitney Singleton: Mr. Chairman, maybe I'll do a little introduction on this, so the board knows why it's proposed. As you will recall, at the request of an adjoining property owner, the chairman and I sat down with representatives from Toyota to discuss their concerns relative to the traffic. Let me re-word that. Express their concerns generally, as to the proliferation of traffic on Kisco Avenue and the series of different mitigation measures that have or have not been required along the way for various applications; whether they ----- Target for all the way down to the far end of Kisco Avenue, where it intersects with the Saw Mill River Parkway. As a result of that, Mr. Napoli, the owner of the Toyota dealership, has retained -----a consulting ----- some analysis and recommendations that would be beneficial in their estimation for the village and for the traffic in general. We have invited them to come and share their thoughts with the balance of the board tonight so that your board can be aware of these concerns and recommendations in making any final determinations for other applications that are either in here tonight or have been here, or in other nights in the future.

Chairman Cosentino: Identify yourselves for the record please.

John Canning: My name is John Canning. I work for Adler Consulting. We're a traffic engineering and transportation planning firm located in White Plains.

Brad Schwartz: Brad Schwartz from Zarin & Steinmetz, representing Toyota. Good evening, Mr. Chairman and members of the Board. Whitney summarized everything perfectly. First, on behalf of our client, Ron Napoli, he wanted me to express his regret for not being able to attend tonight's meeting. He had a charity event in New York City that he previously committed to. Second, picking up off what Whitney indicated, our client is concerned about the worsening traffic conditions along the Kisco Avenue corridor generally. Mr. Napoli does not oppose the Lexus application; in fact, he supports it and looks forward to welcoming Lexus to the neighborhood. He wanted me to emphasize that to your board. He is, again, concerned about the general traffic conditions along Kisco Avenue that have resulted in both from prior projects that your board has approved as well as potentially from projects that are currently pending, Lexus being one of them. So Mr. Napoli did retain Mr. Canning to take a look at the impacts as well as potential mitigation measures. We appreciate the opportunity to appear before you tonight. We believe that the information that John will present is important for your board to have before deciding the Lexus application. With that, I'll turn the presentation over to John.

Vice-chairman Sturniolo: Mr. Chairman, I have a question. So, Mr. Napoli is going through this time and expense as a concerned citizen who has a concern about traffic on a particular street in Mount Kisco?

Brad Schwartz: That's correct.

Vice-chairman Sturniolo: Wow. That's great. I wish there were more people in this village that would go through that time and trouble as he has.

Stanley Bernstein: And expense.

Vice-chairman Sturniolo: And expense, to do traffic analysis for the Village.

Brad Schwartz: And he is, Mr. Sturniolo, genuinely concerned about traffic. This is better for his business. The more people that are coming along the corridor shopping for cars the better, but he wants to make sure that the traffic works.

Chairman Cosentino: Why don't you start your presentation?

Ralph Vigliotti: Before you do that, did he have an epiphany in the last couple of months? Where has he been?

Brad Schwartz: Our client?

Ralph Vigliotti: Yes. Seriously. If he's so concerned about traffic, it's just like the last couple of months. Where has he been? We've been discussing that corridor for years. I just have a little concern.

Vice-chairman Sturniolo: I applaud him, considering his business is located on 117, his sales business.

Ralph Vigliotti: Timing is everything.

Vice-chairman Sturniolo: Yes.

Chairman Cosentino: Who are you?

Rayshali: Rayshali -----

Chairman Cosentino: Oh, you're with this group

John Canning: That's right. I just want to echo Brad's sentiment in that since I first spoke to Mr. Napoli he indicated that he was not opposed to the project, he was concerned. He wanted us to look and make sure everything would work after the fact. You may read into that what you want, but that is what he said to me from the outset.

Chairman Cosentino: We're not reading into anything. There was no need for that statement, but that's okay.

John Canning: I apologize. I want to thank you for taking the time to listen to me. If you will indulge me, I have a presentation that might shed some light on various possibilities. I might ask you to move a little bit. Basically, when Mr. Napoli first asked us to look at what the applicant submitted to your board, and I want to thank the applicant and his traffic engineer because they made everything that they had – all the work that they had done – very easily accessible to me, and I made use of it to prepare this presentation. Hopefully, it will be beneficial to you. Initially we reported to you in our July 19 report that we were concerned about traffic upgrading conditions particularly at Hubble's Drive, at Kisco Avenue and also at the northbound route from the Saw Mill River Parkway to Kisco Avenue, which is under the jurisdiction of the New York State Department of Transportation. Recently, he asked us to consider all the options that we could think of that would improve upon what has been proposed to you by the applicant. So we basically sat down and did that. But to give you an indication of where we started from, we took the applicant's synchro-analysis, and we ran the simulation model. This is essentially what the applicant gave to us with the sole exception that we modified the number of vehicles coming into and going out of the Premier driveway, which is opposite Hubble's drive. In reviewing the applicant's documents, we felt that they underestimated the volume of traffic that would be going in and out of there. So basically, we looked at the peak PM hour; which is the critical hour, Kisco Avenue is up and down the street, and this is starting at 5:00, and you can see the volume of traffic moving up and down Kisco Avenue, Preston Way is at the bottom, and the intersection that we have here now is Hubbels Drive, and as you know is not controlled. Basically what happens is there is so much traffic on Kisco Avenue that it's very, very difficult to make a left-hand turn out of Hubbels Drive and similarly, it would be very difficult to make a left-hand turn out of Premier Auto when that's up and running. Rayshali, if you can move it along, you can see the queue continues to build up and build up on Hubbels Drive and there is just no where to go. Rayshali, if you could just speed it along to the end. By the way, the striping on Kisco Avenue is re-striped for four lanes which is one of the items that was discussed in one of your last meetings. It's about 40 feet wide, and it could be easily re-striped to four lanes, and it makes a big difference. But this is at 5:25. The analysis indicates that the queue is halfway up Kensico Drive. If you could just bring it on to 5:55. The announcement shows that the signal which the applicant is proposing at Kisco Avenue and Holiday Inn Drive will work fine, and in fact that northbound ramps aren't too bad, but Hubbels Drive, according to the analysis, anyway, is a disaster, and this was a big concern on Mr. Napoli's, even if it's not as bad as this. Even if it's half as bad as this, it's still a big concern for Mr. Napoli. So that's why he asked us to look at other possible alternatives. And I have eight alternatives to present to you. Four of them I am not endorsing, but I want to present them to you so that you know what will be looked at, and four of them I would like you to consider. Hopefully it will help you make a decision in various applications as we go down the road. We can come back to that and to the other alternatives, afterwards if you would like to discuss more of the individual applications. Basically, the analysis that was presented has a performance index. It measures travel time, delay, fuel consumption, and it gives an



overall performance index. What the applicant is proposing as the analysis indicates it has a performance index of 573. And it's not great primarily because there is just not enough capacity on Hubbels Drive to accommodate the volumes coming out of Hubbels Drive, and so you get tremendous delay at that location. In our opinion, it just doesn't work at that location. So the first additional alternative we looked at was to prohibit left and through movements out of the Premier Curtis Driveway to see if that would improve things. And we found the analysis indicates that it jives with my experience that it won't. In fact, it made things worse. Because if you're making a left turn at Premier Auto, when somebody is making a left turn out of Hubbels Drive, you could both go together if there is a gap in traffic. I'm going left and he's going left. If, all of a sudden, I prohibit left turns at Premier, that person has to go right, and if I'm making a left turn out of Hubbels Drive, I now have to yield to them. So it takes me longer to get out. And if they go down Kisco Avenue and decide they want really wanted to go north, they want to do a U-turn somewhere, then they come back up Kisco Avenue and we might have to yield to them again. So that was one alternative that we looked at but we would not endorse it. The next alternative we considered was if we made Hubbels Drive exit only, we prohibited left and right turns into Hubbels Drive. And instead people that wanted to turn into Hubbels Drive if you are coming north on Kisco Avenue you would pass Hubbels Drive and make a right turn at Holiday Inn. If you are coming south you make a left turn at Holiday Inn instead of going down to Hubbels Drive. We reformulated the analysis that was provided by Mr. Scatterday and his consultant and take those trips and put them up, and we re-analyzed it and we got a performance index of 492, which was better but not really appreciably. The next alternative, this is a significant improvement although we still felt that it wasn't sufficient was to install a traffic signal only at Hubbels Drive and make no improvements to the intersection of Holiday Inn Drive. Based on reviewing the minutes of this board's conversations, I know you are –

Chairman Cosentino: You could change that right away. It's not going to happen.

John Canning: As I said, these are the four we would not recommend. So the four that we say are worthy of consideration. The first one is to prohibit left and through movements out of Hubbels Drive. You'd still be able to turn into Hubbels Drive; you'd still be able to make a right turn out of Hubbels Drive.

Chairman Cosentino: That's what I suggested at the last meeting.

John Canning: Right. What we did in this instance is the left turners; we took them from Hubbels Drive and we put them up onto Holiday Inn Drive; so that have to get out somehow.

Chairman Cosentino: Now, wait a minute. A right turn into Hubbels Drive and a right turn out of Hubbels Drive.

John Canning: Correct. We also had a left turn into Hubbels Drive.

Chairman Cosentino: No. No left turn into Hubbels Drive.

John Canning: Okay. We didn't evaluate that, but we certainly can. Frankly I think it won't make a tremendous amount of difference, and I'll explain. The concern I have of this one, but it doesn't provide upgraded conditions markedly over what the applicant has proposed. You're going to take the people that now make a left turn at Hubbels Drive and bring them up to Holiday Inn Drive. So you are significantly increasing the volume of traffic on Holiday Inn Drive. To meet that additional demand, you have to provide additional time to the green light on Holiday Inn Drive, and the only place to take it is from Kisco Avenue. So when you take it from Kisco Avenue you increase the amount of red time on Kisco Avenue and the queues on Kisco Avenue increase to the extent that they start to ----- . So, while this is significantly improved over what the applicant has proposed, there are some drawbacks about it. And I understand that it's an imperfect world and we have to make decisions on the best options that are available to us, but that's our interpretation of this alternative at this point. The other alternative that we have looked at is an entrance only at Hubbels Drive. Nobody goes out at Hubbels Drive. And we would provide – if somebody would provide a traffic signal and a left turn lane at the Holiday Inn Drive. The purpose of this is to try and accommodate the additional traffic that you're taking from Hubbels Drive on Holiday Inn Drive by creating a left turn lane to accommodate.

Chairman Cosentino: But the problem that I see is that traffic going south – I'll say south – that wants to make a left-hand turn into Hubbels Drive; the traffic coming north from Preston is going to prohibit that.

John Canning: It certainly will. When there are cars coming against you, you must yield the right of way.

Chairman Cosentino: Yeah, so that's not a good idea. Because you're going to be backing up traffic back to the Holiday Inn Drive light again.

John Canning: Well, if you don't let them make a left-hand turn at Hubbels Drive, they have to make....

Chairman Cosentino: I'm not saying someday there might have to be a light at Hubbels Drive, but right now I don't think it's going to work.

John Canning: Okay.

Chairman Cosentino: I think what might work is...

John Canning: But this alternative does not have signal at Hubbels Drive.

Chairman Cosentino: Right, but I don't think that should be a left-hand turn there. What I think should happen is traffic coming north should be able to make a right-hand turn because you're not backing up any traffic, and coming out of Hubbels Drive, you are only allowed to make a right-hand turn going out to the Saw Mill. You don't back up any traffic, and utilize the light at Holiday.

John Canning: Can you go back, Rayshali? This is essentially that alternative, except for the left turns, which we could take and put on Holiday Inn Drive. They will actually make Holiday Inn Drive work a little less because you have the same problem. People turning left on Holiday Inn will have to yield to traffic coming up Kisco Avenue from –

Chairman Cosentino: But the light will time it though.

John Canning: That's true, the light will assist it.

Chairman Cosentino: The light will assist it.

John Canning: Right. But the concern that we have with this alternative is when you take all of the left-hand turns that currently go at Hubbels Drive and they have to get moved up to Holiday Inn Drive, the significantly increase the demand on the Holiday Inn Drive approach. So you have to give more time to Holiday Inn and the only place you can get it from is Kisco Avenue.

Chairman Cosentino: Well, you've got to synchronize the lights, that's all.

John Canning: Well no. You've got two basic phases of Kisco Avenue and Holiday Inn. Kisco Avenue goes, and Holiday Inn goes. If you've got more traffic on Holiday Inn, you have to give more time to Holiday Inn. And if you give more time to Holiday Inn, you take it from Kisco Avenue. But when you take it from Kisco Avenue, you get increased red time and increase queues. So it's certainly an improvement, but our concern, and we can demonstrate in the simulation and analysis.

Chairman Cosentino: I think, personally, you have more cars coming out of Hubbels Drive than here you have more cars coming out than really the – I'm in town all day long. I've never seen cars backed up like that.

John Canning: On Hubbels Drive?

Chairman Cosentino: Yes.

John Canning: I agree with you.

Chairman Cosentino: I've never seen cars backed up all the way back to Holiday.

John Canning: I agree with you. This is future traffic volumes with Lexus, Premier Auto, and Swiss Home.

Chairman Cosentino: I still don't think you'll see that much of a back-up.

John Canning: I agree with you.

Chairman Cosentino: We're predicting that it's going to happen. And then when we predict something and it does happen, then it's the time to get the light, maybe.

John Canning: I might be inclined to disagree with you in terms of timing. My concern is that if you wait until something has happened, you may not have the instruments with which to implement the light. I guess you can get the town to pay for it.

Chairman Cosentino: Look, I need my appendix out someday. I don't want to get them out now if I don't have to have it done ten years from now. If it's not broke, don't fix it. You've heard of that?

John Canning: I have, but I mean –

Chairman Cosentino: And it's not broke right now. I think that the traffic that you're putting out on Hubbels Drive is not there. It looks good. Beautiful. This is gorgeous what you're doing here. But it's not happening. It's not practical right now.

John Canning: Okay, well I must say I've not ridden on Hubbels Drive as much as you have.

Chairman Cosentino: This is your opinion. And I'm saying that I respect your opinion, but there is a possibility that that light is not needed at this time. But maybe needed five years down the road, four years down the road, let's see what happens. To put a light there now would not be the thing to do as far as we're concerned. I think the right-hand turn in and the right-hand turn out alleviates a lot of the problems.

Vice-chairman Sturniolo: May I just kind of underscore one point you just raised, and that is there is the potential for four traffic lights from Preston Way all the way to the end of the parkway. The distance from Preston to Hubbels is 200 feet. The possibility of four traffic lights gives me pause. It really does, as far as potentially exacerbating the problem that we currently have. Just my feelings, but please continue.

John Canning: I understand that. Two things I would like to say. It's important when you put traffic lights in that you determine that you can make them function together. Because if they don't function together it's a nightmare. There is a very good example on Route 9A in Elmsford, which is a four lane roadway, very busy. In fact it's so busy they want to provide a bypass up where it intersects with 287. But about three quarters of a mile up, there are four traffic signals in very close proximity. One is at the Westchester Skating Academy, the next one is to the Greenburgh Multiplex, the next one is Sam's Club, and the next one is UPS. There are four intersections that are within 800 feet, and they do manage to make it work. With careful design it can be made to work. The second point I'd like to make is that two of the alternatives that we are presenting to you have no signal at Hubbels Drive but do have a signal at Holiday Inn. One of them has a signal at both locations, and one of them has a signal at Hubbels only. So as this board goes forward, we hope that you will look at them and understand that there are different alternatives and based on your experience with the roadways, because you know it better than we do, you will make a good decision, and I am confident that you will.

Doug Hertz: Should we just go through all the rest of your alternatives?

John Canning: There are two more alternatives. This is an entrance only at Hubbels Drive, you cannot go out of Hubbels Drive, and you'd have a signal and a left turn lane at Holiday Inn. This is a signal at Hubbels Drive and add a left turn lane with no signal at Holiday Inn Drive. So this is the alternative that we said. There would be a signal there, and no signal at Holiday Inn, and that has a performance index of 86.7. The last alternative is a signal at both driveways and what I would say about that is, you have four signals, you make them work together, and it gives you the best access to the properties to the east of Kisco Avenue, because you have the two signalized intersections. So it serves those properties the best, and you could make it work for Kisco Avenue. The most important feature you need to consider is if you look at the volume of traffic coming out of Hubbels Drive and coming out of Holiday Inn Drive. At Holiday Inn Drive in the peak PM hour, which is a critical time period, you have 42 left turners, which is not a tremendous amount, and you've got 193 right turners, which is a large amount. But a right turn movement is much easier to make than a left turn movement. And that supports - putting a signal at that location allows you to get the left turners out and the right turners out. If you don't have a signal there, the left turners block the right turners, although if you provide a left turn lane, you've got a holding lane so the left turners can hold there and the right turners can get around them. At Hubbels Drive, you've got almost the opposite. You've got 144 left turners and 32 right turners. So, it's much more difficult to accommodate left turns at Hubbels Drive, and essentially, those are the alternatives that we've looked at.

Chairman Cosentino: I've got to tell you, I've been on this Planning Board over twenty years, and this is one of the best presentations I've seen.

John Canning: Thank you very much.

Ralph Vigliotti: You did a nice job.

John Canning: We have some hand-outs for you. They summarize basically the alternatives. For each of the alternatives we have the slide show that shows how the system operates and how the intersections operate. I know it's late, but I would be happy to look at any of them that you are interested in, or we would be happy to come back if you want us to come back.

Doug Hertz: May I just ask you one question? Performance index. Can you just give us a brief...

John Canning: It's basically sort of a weighted average of your delay, the number of stops you make, your fuel consumption and your average speed.

Doug Hertz: On what kind of scale is it? Is this a rhythmic scale, a Lanier scale, what is it? So when we're looking at numbers, 85 versus an 86 versus an 800?

John Canning: It's a Lanier scale. And you know, the Chairman is right. This is an analysis and it's a projection. My best advise to you is use it on a relative scale so that the four alternatives that we say are worthy of consideration range from 85 to 95 on the performance index, and you know what? The level of accuracy of the work that we do is not so precise that I would definitively say that 85 is better than 95. On paper it looks better, give it your consideration and your understanding of how the cargo works, and if you have specific concerns or questions, like the Chairman, actually, we did not consider prohibiting left turns in to Hubbels Drive on a number of our alternatives. We could go back...

Chairman Cosentino: I would like you to consider a right turn in and right turn out.

John Canning: Absolutely.

Chairman Cosentino: And come back to us and let us know.

Doug Hertz: Also, just for my edification. A really excellently working intersection, what performance index would that have? What number would you consider?

John Canning: It depends. The real number depends on the size of the system. This is a performance index for the system that we analyzed which was from Croton Lake Road all the way down to Preston Way. So if I add ten more intersections, it would go from an 84 to 184 because I am factoring in those as well. So if there are five intersections divided by 100 by 5; is maybe 20.

Chairman Cosentino: This is great.

John Canning: Thank you very much.

Chairman Cosentino: Thank you very much.

Ralph Vigliotti: Mr. Canning, where is your office located?

John Canning: White Plains.

Ralph Vigliotti: Thank you for a nice presentation. I appreciate that.

Whitney Singleton: Chairman, one of the things that we did promise as long as your going to ----- this application as it might relate to other applications ----- opportunity to Mr. Collins to come and -

Chairman Cosentino: Mr. who?

Whitney Singleton: John Collins.

Doug Hertz: Doctor Collins.

Whitney Singleton: Dr. Collins, excuse me. To see any comments that you make.

Chairman Cosentino: Why don't we wait till they pick up here? John, do you want to keep the screen down? Do you have something that you want to put up here?

John Collins: No.

Chairman Cosentino: This is John Collins from Collins Engineering.

John Collins: I listened to John's presentation. Basically, it's a scenario that gives the board a range of the types of improvements that can be done, and I think it's clear that the fact is that when you make certain improvements in the corridor, there are certain beneficial effects that come about. Just to bring the board to date, the Village has received word that DOT moved up in ----- **PAPERS AND THINGS MOVING ABOUT** on the southbound lane in 2007, and so that's on their calendar right now.

Vice-chairman Sturniolo: John, excuse me. When you say the Village, who knows that? The adults here on the second floor?

Chairman Cosentino: The Village Manager. The letter went to the Village Manager's office to the Regional Director requesting that it be moved up, and the DOT has written back to Village Manager indicating that that is now a 2007 category. I think in respect to the corridor and Kisco Avenue corridor, I'm looking at it as an instrumental type of approval. We only have a signal on Preston Way, there is a signal going in at the southbound ramp, and there is signal proposed right now on Holiday Inn, that's three signals in the corridor. Mr. Canning indicated that system would work. It will improve the operation of the corridor. The question as to whether or not Hubbels is signalized now or sometime in the future, I personally would prefer to wait, let's see what happens when the system is running. We always have the opportunity to put it in. If we put it in now and something goes wrong, it's even worse than if you left it out and then put it in later. Basically, these are all projections, and the only concern I have about Hubbels is the fact that traffic passing at Hubbels is composed of two major components in the northbound direction. It will impose traffic coming up from 133, Main Street, and also a heavy right turn flow that comes out of Preston Way heading back towards the Saw Mill River Parkway. I'm concerned about the close facing between Preston Way and Hubbels, especially due that right turn. Because people turn there, and as they make the turn they are starting to speed up and all of a sudden they have a red light, they have to come to a screeching halt again. That's my only concern about Hubbels. I think the presentation indicated that the light at the ramp, the light at Holiday Inn and the light at Preston Way will improve operation with some minor change to the operation of Hubbels and signals. That's what I see.

Vice-chairman Sturniolo: John, just ball park. What is the cost if a light – regardless of who pays for it – if a light were put in at Hubbell's?

John Collins: I would estimate anywhere between 80 to 120 thousand depending upon what equipment goes in. Most likely the state system and the Holiday Inn system ----- -- (furniture moving) --- and we maybe it can be put in at Preston Way so those signals can be brought in.

Vice-chairman Sturniolo: Thank you.

Doug Hertz: So would that put it at the high end of that number?

John Collins: It would put it at about 110.

Chairman Cosentino: Any other questions for John? Briefly, John, you heard the presentation from Adler, and at the last meeting I had an idea of making a right hand turn – just give me your opinion on that; right turn in and right turn out.

John Collins: My concern about Hubbels is a left turn out of Hubbels due to its close proximity to Preston.

Chairman Cosentino: That we need to change.

John Collins: That's one critical issue, and I think the left turn in is the next serious movement because of the way people make the right turn from Preston Way onto Kisco. And I think by multiplying it to a right turn in right turn out movement would be beneficial to the corridor, eliminate ----- remembering it could always be put back in.

Chairman Cosentino: Yes, a light could always go in later on if you need it. Okay, very good. Okay, if you could just give us – I'd appreciate if you could come back in on that right turn in right turn out, I would appreciate that. Tell Ron that we appreciate you coming, and the presentation was great and we learned a lot. And you could bring Brad back next time also.

Whitney Singleton: John, is there a proposed left-hand turn lane in Holiday Drive as part of your plans?

John Collins: No. It's a one-lane corridor coming out, which means the predominant move coming out of Holiday, would be ----- **too much talking** – split right – there's no left turn lane.

Whitney Singleton: Okay, would that be difficult to accommodate?

John Collins: I think you would be able to do some massaging to get that done.

Whitney Singleton: Would it be beneficial?

John Collins: More is always beneficial.

Whitney Singleton: Okay.

Chairman Cosentino: Thank you, goodnight. Okay next thing on the agenda is Peter Stonesby.

Nanette Bourne: There is a memo in there from Ashley and Becky from our office. Becky is a hazardous materials engineer, and she reviewed the engineers report, she found that they had misinterpreted and over characterized the materials in the stone to be filled. It's not as bad as it was reported at the last meeting. It's not great, but it's not catastrophic. What she recommends is that they go back out and do some additional testing. I believe they are going out on a site on Friday to do the testing, and they will come back in with another report. The most likely outcome will be, actually if most of the contaminants are coming from run off from other sites, which is typical in urban areas. Stonesby will probably have to re-engineer this site so that his fill is cleaner. If its' not coming from off site run-off conditions, then he will either, depending on bad the soil is, either he'll have to top it off with a couple feet of fill, which is typical, or he'll have to have the fill removed.

Chairman Cosentino: Let his engineer figure that out and work with him on it.

Vice-chairman Sturniolo: Nanette, it will also impact his neighbor, because apparently that was graded to match what his neighbor had already done if he needs to put additional soil on top.

Nanette Bourne: It will have to be re-engineered.

Vice-chairman Sturniolo: The other concern I had is across the way, Woodcrest, the residents who are obviously quite concerned of the loss of trees, visually. The buffer that they enjoyed on the Stonesby property, and what happens with these contaminants and the detention basin by Woodcrest and I think it's also somewhat tied into the financial relationship between Woodcrest and Westchester County. I think those are all other components that Mr. Stonesby is going to need to be involved in. When the further testings are done, is that going to be done by you? By AKRF?

Nanette Bourne: No. The laboratory is a good laboratory. There is no issue with the lab.

Vice-chairman Sturniolo: No, it's the interpretation.

Nanette Bourne: So we're just going to be there to observe the testing.

Vice-chairman Sturniolo: Monitor and observe. And I guess, Nancy's not here, but we just also need to make sure that the additional costs that AKRF is being involved in is being absorbed by Stonesby and his escrow account, and all of that stuff needs to be carefully monitored as well.

Chairman Cosentino: Nancy is doing that, by the way.

Nanette Bourne: Yes, but I think that's a good point. This was not anticipated.

Vice-chairman Sturniolo: Correct. This is kind of a little bit –

Chairman Cosentino: I already spoke to Nancy on that. But there is something else.

Nanette Bourne: They are still incurring significantly greater costs than he had expected to. More than just staff review.

Vice-chairman Sturniolo: You know, there's the old saying, you commit the crime, and you pay the time. He did a lot of stuff without a permit.

Chairman Cosentino: I like that.

Vice-chairman Sturniolo: I didn't invent it.

Chairman Cosentino: Okay, violations/complaints. These are letters, that when we report something. It's a new thing that we have now. Nancy will write to us and let us know how it's being taken care of. I like that idea because you really know if something is brought before then you don't want to feel like it got lost someplace.

Doug Hertz: Should we just invite Mr. Hass?

Vice-chairman Sturniolo: Permanent resident.

Nanette Bourne: Mr. Chairman, I have a question. Nancy had called me about the North Bedford Road violations that it was reported by the inspector that there is a lot of them, a lot of calls going out to this site.

Chairman Cosentino: What site?

Nanette Bourne: 195 North Bedford Road.

Chairman Cosentino: Who is that?

Vice-chairman Sturniolo: That's A & P Target.

Chairman Cosentino: I guess Ron Buxton, I guess. There is a number of issues there. Whitney Singleton: There are a number of issues that are actually in court right now. Appleby's is in court.

Nanette Bourne: That's under violations. Nancy called me and said Ron Buxton is going out a lot on this site.

Chairman Cosentino: Good. Yes, because we've been complaining a lot. You go back there, you'll see that he's – there's a reason to do it. And he's doing it.

Stanley Bernstein: Yes, but is it getting resolved?

Chairman Cosentino: Yes it is. He's going to court.

Nanette Bourne: The violations in the back are going to court?

Chairman Cosentino: I assume so, yes.

Whitney Singleton: I don't know if that's an accurate statement.

Chairman Cosentino: That's what I heard.

Whitney Singleton: Any existing conditions to ----- property, we have to give the property owner an opportunity to cure them before we bring them to court.

Chairman Cosentino: Yes, they haven't been doing it though.

Whitney Singleton: Right, and I think without being quoted, I think that Target's actually run very cleanly out there. They are not storing a lot of things outside, it's clean, and it's not food, sewage and broken bottles and everything else that exists down at the A & P.

Chairman Cosentino: No. They are pretty clean back there. Okay, under correspondence a letter from Joe Maggio.

Stanley Bernstein: One minute. Getting back to that site. What about Appleby's?

Chairman Cosentino: They are in court.

Stanley Bernstein: They are being prosecuted?

Whitney Singleton: Yes. They've asked for a couple of adjournments, and they are on the court calendar for October, I believe.

Vice-chairman Sturniolo: I had an update on that from our Village Prosecutor, Karen, the other day, and she said that she is just waiting for a decision from the court regarding the Article 78.

Whitney Singleton: You are talking about something unrelated.

Chairman Cosentino: We're talking about Appleby's.

Vice-chairman Sturniolo: I'm talking about the other issue regarding the parking fees. Now Appleby's is a different case, because what concerned me about Appleby's is currently they are operating in violation of their site plan. It may be going somewhere, but in the meantime, I just have a sense that the applicant is just dragging this on and on and on and eventually we're going to see the applicant come in here and say, oh, I've committed all these crimes, now I want to rectify it, and I want to modify my site plan. Where is the enforcement?

Whitney Singleton: Tony, I understand what you're saying. That's a likely scenario that they may come back to want to see you, but the fact of the matter is I have reviewed the correspondence that the building inspector sent out on this, and he was very clear that even if they were to pursue something like that, that is not an excuse for the continuation. He indicated to them that that use and that awning or tent or whatever you want to call it must cease immediately and that each and everyday that it exists it constitutes a separate and distinct violation.

Vice-chairman Sturniolo: He used a word in his August – I forgot the date – immediately. So, are we saying if I call up and check the records, that everyday there's been another violation issued against us?

Whitney Singleton: I don't keep track of each and every one, but I know that periodically they do get up there, and I know that we have something on Maple Avenue right now that has over 143 violations issued, and that was through June 1<sup>st</sup>. We went back and put another 75 on it.

Vice-chairman Sturniolo: Who should I ask that question of, Austin?

Whitney Singleton: The building inspector, yes.

Vice-chairman Sturniolo: Okay.

Chairman Cosentino: Letter from the Town of New Castle, Scoping Document and Public Scoping Sessions. Letter from Mary Galasso, DEP regarding funeral home, letter from Daniel Hollis; a lot of letters from him.

Whitney Singleton: Can we just go through one of these letters?

Chairman Cosentino: He just prolongs and prolongs and prolongs.

Whitney Singleton: Everything is in a little bit of a nuance here. I'm just reading this September 19<sup>th</sup> letter and he's saying in the 2<sup>nd</sup> paragraph that they are going to relocate within sixty days. But read the next paragraph. I just want to be clear with what we're talking about here. It is understood by all that the moving of the dumpster will result in the loss of some existing parking spaces. It is our further mutual understanding that the loss of these spaces by virtue of the relocation will not be held against our client by the Planning Board with regard to any subsequent change of the tenant mix of the above referenced premises –

Vice-chairman Sturniolo: It's open ended.

Whitney Singleton: - and any site plan or any other approval for the project prefaces resulting from any change in the ----- . There are a couple of things that jump out at me. Does that mean that they can go ahead and change anything out of the site plan with regard to N4fitness?

Chairman Cosentino: I would hope not.

Whitney Singleton: Okay. Does that mean that the dumpster needs to be re-located to a particular spot and that's it? The old fencing stays where it's at, and the old fencing ----  
----.



Chairman Cosentino: No, it has to be removed?

Whitney Singleton: Okay, because I believe the applicant has a different view on this.

Vice-chairman Sturniolo: And the pad has to be removed.

Whitney Singleton: The pad, they are vehemently against removing. Just so you know that. They don't even want to remove the fence. So that's what we're talking about.

Chairman Cosentino: Maybe you should just bring them back here again and just let them know that we're not playing games here.

Whitney Singleton: When you talk about this language ----- just glosses over things, I want you to understand, as a result of ...

Chairman Cosentino: This is going on too long already. Let's call them back in. I want to call the site plan back in for 305 Lexington. Are you giving me legal advice not to? Tell me.

Whitney Singleton: No, what I'm saying is it's currently in court and it's trying to be resolved, but if you bring them back in here...

Vice-chairman Sturniolo: I'm sorry, 305 is in court?

Whitney Singleton: Yes. That's what all this correspondence is about.

Chairman Cosentino: For the dumpster?

Whitney Singleton: Yes.

Chairman Cosentino: Well, the court knows what we want. We want the dumpster moved, and we want the pad out.

Whitney Singleton: And what I'm telling you is there not willing to do that.

Chairman Cosentino: So, what do we do?

Whitney Singleton: Well, what we had arranged for was ----- . What we had arranged for was, we put in a resolution, it was approved, then they questioned whether or not it was truly in a resolution, and they went and got the minutes and they swore that there is not reference to the re-location, blah blah blah. This is what happened.

Vice-chairman Sturniolo: It's fact.

Whitney Singleton: Then what they wanted to do was bring in Article 78, and they said in lieu of bringing in Article 78, let's just kind of stay off proceedings for a moment here, and have you guys come out to the site and take a look at it. And when they came out to the site, I will quote them, not you. When they came out to the site everyone stood around that site and said absolutely it shouldn't be relocated, it should stay exactly where it's at as a representation by the Martabano's as to what transpired, and then when they came back in, we told them to put it on the side of the building and they said the hell with it, we'll move it to the southern end of the location.

Chairman Cosentino: Right, exactly.

Whitney Singleton: But, we'll move it to the southern end of the property. However, in another meeting that I was in that they happened to be present at, they expressed to me, well, we'll move it, but we're not moving the fence, and we're not ripping up the concrete. I have to get jack hammers in to remove that concrete. It's going to cost me tens of thousands of dollars. And I said, look you better be very clear with what you're dealing with here. And I don't feel as though Dan's letter is clear on that issue. Certainly I know that your board would require at a minimum that the fencing be relocated. The issue as to whether or not there need to be an actual removal of an on-surface concrete pad, I don't know. But the issue as to what to do with that space over there, whether it's to be re-striped, I don't know. I just know that your board is thinking one thing, and I know for certain that the Martabano's are thinking another.

Chairman Cosentino: Well, how do we straighten this out?

Whitney Singleton: I think that you should. He's written you a letter summarizing what your collective understanding is here.

Chairman Cosentino: Well, can we answer that letter?

Whitney Singleton: And the prosecutor is going to sign off on this.

Chairman Cosentino: Can we write the letter stating that we want the pad removed, we want the fencing removed, and the dumpster to go where we said it should go?

Whitney Singleton: With new fencing? With a new pad?

Vice-chairman Sturniolo: And a new pad.

Chairman Cosentino: That's what we want.

Whitney Singleton: Then we need to clarify what this letter says.

Vice-chairman Sturniolo: Mr. Chairman I would also think that the removal of the old pad may be an aide from DEP's point of view, because now you've got to take impervious surface and reconvert it back to pervious surface.

Chairman Cosentino: No, it's pervious right now.

Whitney Singleton: Wouldn't' that be –

Michael Stein: Wouldn't that ----

### **TOO MANY PEOPLE TALKING AT ONCE**

Vice-chairman Sturniolo: Or t could become parking.

Chairman Cosentino: It could become parking. You've got to take a look at that. I think it could become parking. But it's pervious right now.

Vice-chairman Sturniolo: But I'm saying if it's removed – and it if were removed and it wasn't going to become parking, then it would be beneficial.

Chairman Cosentino: You would have blacktop.

Vice-chairman Sturniolo: If it were not to be parking if, then it would be beneficial from DEP's point of view because it would be grass, but if we're going to make it into parking lot, which probably takes a higher priority in my opinion, because we are going to lose down at the south end, then we'd be better off leaving it as blacktop for parking.

Chairman Cosentino: I don't think we're putting down at the south end, I think we're putting it at the side of the building. They want it down at the south side?

Stanley Bernstein: We agreed that it was an impossible situation on the south end.

Chairman Cosentino: Then let's do it, then. Let's do it the south side. Send them a letter, pads got to come out, the fence –

Stanley Bernstein: Didn't' we agree...

Whitney Singleton: What I will do is I will respond, if its' okay with your board, I will respond to the Village Prosecutor with a cc to Dan and of course a copy to the board and I will say that we're in receipt of a letter dated such and such and such and such. This does comport with the board's understanding provided that the fencing and the pad will be relocated from it's current location to the southern end of the property.

Chairman Cosentino: And the old pad removed.

Whitney Singleton: Right, the pad will be removed and restored to blacktop.

Stanley Bernstein: For parking?

Whitney Singleton: And we leave it within their discretion as to what kind of parking?

Vice-chairman Sturniolo: Well, my opinion, I think we should ask for parking because we know we're going to lose a couple of spaces southbound.

Chairman Cosentino: I don't know if you can put parking here.

Ralph Vigliotti: I think the question was asked that there may be a drainage problem there that is already in place and you can't park over.

Chairman Cosentino: I don't know if you can put parking there.

Ralph Vigliotti: I don't think you can. I think I asked the question and answered with that. But we'll be certain to find out. I have one question. Are we done with that piece? Yes. Since June I have been asking to pull the site plan for what we are calling I think it's called Basketball Plus. It's on Armonk Road or Park Avenue; Luppino's building. I've been asking since June, this is September almost October, I haven't gotten a response. I'm not sure what I should do as a Planning Board member to get this site plan pulled. There are violations there, it hasn't been addressed. It needs to be addressed. If the Planning Department, I don't know if it's on their schedule or not, but nothing should take three months. Nothing should take three months. To pull the site plan for us to review. They are storing construction materials in the back; one of the stores is being used improperly covering up windows. It's being used as a conference center at night. The parking we need to address. Cars are parked out in the middle.

Chairman Cosentino: Ralph, I'm going to call Nancy tomorrow and have it put on the next agenda.

Ralph Vigliotti: Okay.

Whitney Singleton: Can I just address this, because I don't want to come back – I don't want Ralph to have to come back in October again unsatisfied. When you say you're going to put it on the agenda –

Chairman Cosentino: For review.

Whitney Singleton: This is just for your board to review. There will be nobody present from the property owners.

Chairman Cosentino: No. Just for our board to review.

Whitney Singleton: Okay. And then, based upon that you will ask the building inspector and you will go to Code Compliance Officer.

Chairman Cosentino: Yes, we want to see what the site plan called for.

Whitney Singleton: Okay.

Ralph Vigliotti: I'd like to know why it's taking so long.

Vice-chairman Sturniolo: Or, have the applicant come in.

Chairman Cosentino: I'd rather not.

Whitney Singleton: Well, the problem is, you can't just sit here and say that there are violations.

Chairman Cosentino: No, I want to review the site plan first.

Whitney Singleton: Your board doesn't have the ability to determine whether or not there are violations.

Chairman Cosentino: No, we want to review the site plans.

Nanette Bourne: But I think what you're asking is for the site plan to come out of wherever it's stored, for it to be sent to the building inspector, and for some report to be brought to you.

Ralph Vigliotti: It may already be in the works, but I have no clue.

Nanette Bourne: We'll follow-up on it. We just want to make sure, just bringing the site plan back for the next meeting.

Ralph Vigliotti: I asked in June, it could have been May. I don't know if it's part of the minutes or not.

Chairman Cosentino: See, we know what's there now. We want to see what the site plan says.

Nanette Bourne: But I think Whitney's point is that we want to make sure that the inspector goes down and reports back.

Vice-chairman Sturniolo: Prior to our meeting.

Nanette Bourne: Right, so we have something to look at.

Whitney Singleton: But the other thing is you don't want to get into a situation where, oh, here you go board, here's a site plan and I've cited them for a crack in the sidewalk and the bushes are not healthy enough. . and in fact you're looking at things going on in the back of the site or somewhere else. I think you want to have a comprehensive way of dealing with this.

Chairman Cosentino: So you want them to go out first?

Whitney Singleton: I think that if Austin could pull the site plan, compare what's out there and compare a report for your board.

Chairman Cosentino: Well we've asked him three months ago.

Ralph Vigliotti: Am I not following the right procedure if I asked in late May, early June, and here we are three months later. Just tell me the procedure that I should follow to have something to be expedited, to maybe a month that it be pulled. What does it take?

Nanette Bourne: I think it's clear that if you make the request, it just needs to get to the right person. We have to make sure that it's communicated to Austin.

Ralph Vigliotti: Okay. I might have been looking the wrong way.

Whitney Singleton: That's an issue. We have to make sure that all the things that happen here find their way to Austin. The other one is Garbuio on Britain Lane. His plantings - I think he bought them in Target.

Whitney Singleton: I told Austin about them. Those plantings - I really don't think they can get any smaller. They are like Japanese miniatures.

Stanley Bernstein: They'll grow.

Ralph Vigliotti: They'll grow.

Chairman Cosentino: I've asked that to be ----- months ago, for plantings.

Nanette Bourne: Okay, then we'll make sure that that gets to Austin.

Chairman Cosentino: Also, there is one other site plan I want to pull. I want a review on it, I want to pull it, the Taxi Stand.

Whitney Singleton: Joe, you know we don't have a site plan for that.

Chairman Cosentino: I'm only kidding.

Stanley Bernstein: Well, there is something that I would like to report to the board that I don't like. The -

Whitney Singleton: Stan, Westchester Residence we saw already.

Stanley Bernstein: Well, Westchester Residence, you know that the first bull dozer that enters that place will have to go over my body, but that's besides the point. Remember with Plants and Things we said that it 's not to be retail, it's for appointment only. They've got a sign out there saying "new flower shop to come here." Now what does that do? That attracts people to come to a flower shop. That sign should not be there.

Ralph Vigliotti: It says florist.

Stanley Bernstein: The new florist will be on these premises. That's completely going against what we want. That sign should come down.

Nanette Bourne: A temporary sign was not discussed by the board.

Stanley Bernstein: It wasn't discussed but it's giving the wrong impression.

Nanette Bourne: Right, and I remember we spent a lot of time writing down the exact wording on the sign.

Stanley Bernstein: A lot of time on that.

Chairman Cosentino: You know what she's going to do? Let me tell you what she's doing. You want a dozen roses, you call them in and you can stop and pick them up. Another flower shop that knows her explains what she's doing.

Whitney Singleton: What's that?

Chairman Cosentino: Another flower shop explained to me what she's doing. You call in an order, it will be ready and you just go pick it up and take it. That's to get around that.

Nanette Bourne: I have a question on Lexus. They have their permits, and everything that they need for coming back to the board. So, they are going to be asking to be put on an agenda for a resolution. You have your regular meeting in October, what do you want to do? What should I tell them?

Chairman Cosentino: I think we did everything we could do.

Nanette Bourne: So, do you want them to be on the agenda with a draft resolution?

Whitney Singleton: They haven't requested that yet.

Nanette Bourne: They are going to. Gary Gianfrenesco called today and asked.

Chairman Cosentino: Are we ready for that?

Nanette Bourne: Well, apart from what you heard today about traffic, there is nothing more for them.

Chairman Cosentino: Well, let them get their resolution in.

Whitney Singleton: Let me ask you one question that was asked of John Collins on the way out. We all know what Holiday Drive looks like, and we know that presumably your board is of the opinion that that's the best location for a light. I happen to go there...

Chairman Cosentino: You do?

Whitney Singleton: Once a week, not to meet anyone, just for a local civic organization, and...

Chairman Cosentino: Sure, we know. We understand.

Whitney Singleton: And when I come out it's always the same thing. Anyone making a left-hand turn has the potential for blocking anyone that just wants to zip out to the right. And, one thing that jumped out at me, not that it's my place to say, but the fact that he pointed out that there was no left-hand turn being proposed, no left-hand turn might be proposed on Holiday Inn Drive. And I don't know whether that's something that your board is going to want the widening of that, which I think we have the potential to do.

Chairman Cosentino: Yes. I never thought of that.

Nanette Bourne: So, maybe what I'm hearing is the next meeting we want Lexus to come back in just to refresh your memories and to incorporate this plan before there is a resolution, so there are really two meetings for Lexus.

Chairman Cosentino: Two meetings, that's it. Right.

Whitney Singleton: And perhaps John Collins should be incorporating in some revised plans some of the things he heard tonight about right-hand turns and...

Chairman Cosentino: I'll have to see the other presentation. I'd take Adler. I liked that presentation this guy does. He was good. Really good. I've never seen a presentation like that.

Nanette Bourne: He took it from Collin's report.

Chairman Cosentino: I don't care where he took it from, the fact is the way he did it, that's very professional.

Nanette Bourne: John Canning is good, yes.

Ralph Vigliotti: There are several types of teachers.

Chairman Cosentino: I like to see things like that. Really. I think John knew it too.

Ralph Vigliotti: You can't beat something visual. It's a good Power Point Presentation. It was done very, very well.

Chairman Cosentino: Only towns like Pound Ridge and New Castle and stuff like that, high power towns like that.

Whitney Singleton: Pound Ridge?

Vice-chairman Sturniolo: Mr. Chairman, I have two quick points. One, I think at our next Planning Board Meeting we need to finally complete this document that Nannette started for us, the procedures. Whitney has given input, I've given input, and everybody else has also given input.

Chairman Cosentino: Make sure we put it on the next agenda. Because the next agenda won't be heavy I think.

Vice-chairman Sturniolo: So we should put that on. And then the other thing we should do is start to look at next year's calendar and get that put together in the rules for procedure as we're getting closer towards the end of the year.

Stanley Bernstein: With that in mind, what's going to happen to our audio visual system that we discussed three years ago?

Chairman Cosentino: Forget about it. I'm not too keen on it. You really want to go on television?

Stanley Bernstein: No. What's that got to do with it? All I want is being able to communicate. I want the audience to hear it. And not only that, it's much better instead of spreading out all of these sheets, we can put in on a disc and play it on a screen. Every drafting system today is on a disc. And all they have to do is throw it in a projector, which we have, or they can be forced to bring, and you project every sheet in a set of plans.

Chairman Cosentino: That was Tony and Doug's job. They didn't report back to us on it.

Stanley Bernstein: Well, Tony and Doug do it. Now my next question, are we going to discuss Pacific- Panera's? Or are we just going to ignore it?

Chairman Cosentino: Panera's?

Stanley Bernstein: These letters here, we've got letters from Pacific Restaurant.

Ralph Vigliotti: Could we put that on the agenda for next time?

Stanley Bernstein: I mean we should at least find out what it's all about. At least discuss it.

Chairman Cosentino: Tell Nancy to put it on the next agenda. Panera's.

Whitney Singleton: Do you want me to tell you why it got to where it's at now?

Stanley Bernstein: Yes.

Whitney Singleton: Okay. Here's what happened. You will see the submission that Dan Collins wrote directly to Austin dated July 11.

Stanley Bernstein: Yes, I read that. Okay.

Whitney Singleton: He basically said we are taking out Sun Natural and we're putting in Panera's and it should net a parking decrease, and Austin had never heard of Panera's.

Stanley Bernstein: It's a chain. It's a bread chain.

Ralph Vigliotti: But it's a restaurant.

Whitney Singleton: So, Austin and I took a trip over to Panera's in Yorktown, and we encountered 100 – 150 people in the restaurant.

Stanley Bernstein: That's a high use. It's a bakery and a restaurant and very high use. And there's no parking there.

Whitney Singleton: We had the issue of the parking, and you also have an associated issue of egress and digress for 222 Main Street. It is – I was in there again today checking it out, and there were trucks – the trucks park in traffic for deliveries.

Vice-chairman Sturniolo: Isn't 222 vacant now?

Whitney Singleton: The whole building? No.

Vice-chairman Sturniolo: The end building is.

Chairman Cosentino: That's where the food store was.

Whitney Singleton: That's not what I'm talking about. You're talking about the Sun Natural and Pacific and where the trust co is going. They are putting a bank; they are proposing to put a bank on the end.

Vice-chairman Sturniolo: Where the other one is? Is this one going to have a built in nail salon? That's what I want to see.

Ralph Vigliotti: This requires a thorough analysis on parking. There could be potentially three restaurants, there are four now.

Whitney Singleton: Well, there will be the Mexican, Pacific would go out, Mango would be there, and keep in mind although they don't like to discuss this, Mango is two stories. If you go inside there are two stories.

Ralph Vigliotti: Then you have Casa Miguel. I mean, you can't even get a parking space in there now. And we have municipal parking that's attached to it. We really need a thorough review there. They just assume they just could walk right in because there is a decrease in square footage of Pacifica. The bottom line is that restaurant has been dwindling for a couple of years.

Whitney Singleton: But what ----- is going to try to drive home with you is read the provision in the zoning code about your change of use clause. He didn't want to come to your board. He wanted Austin to issue the permit. And look at what it says in there about Change of Use Permit. So long as there is not ----- increase in parking under the Village Code, Austin ----- issue the permit.

Ralph Vigliotti: There will be a need for parking.

Whitney Singleton: Well, you are substituting in restaurant what they bring.

Ralph Vigliotti: It's not a bakery. This has to be on the agenda, and it has to be discussed in great length.

Whitney Singleton: that's what I'm saying. That's why they are coming back to your board. But I want you to be aware of what's happening.

Chairman Cosentino: But it's not a bakery.

Whitney Singleton: No, but they are also getting rid of a restaurant, Joe.

Chairman Cosentino: So what are you saying, we should allow them to have it or we shouldn't allow them to have it?

Whitney Singleton: Joe, this goes back to the conversation we had with the Dunkin Donuts and the D'Agostino Carpet. It's not a question of I'm saying that they should have it, it's a question of what the law in the code says.

Vice-chairman Sturniolo: Do we want to close the meeting at this point?

Chairman Cosentino: Yes, do we have a motion to close?

Vice-chairman Sturniolo: Motion.

Chairman Cosentino: Yes, seconded by Mr. Vigliotti. Meeting closed.  
Meeting adjourned at 10:00 pm.

Respectfully Submitted By,

Stanley Bernstein  
Board Secretary