

**Minutes
Regular/Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, August 8, 2006**

Meeting called to order at 7:45 PM, Tuesday, August 8, 2006 at the Municipal Building, Mount Kisco, New York

Members Present:

**Joseph Cosentino
Anthony Sturniolo
Doug Hertz
Stanley Bernstein
Joseph Morreale**

Members Absent:

**Ralph Vigliotti
Sol Gibbons**

Staff Present:

**Whitney Singleton
Nanette Bourne
Michael Stein**

Pledge of Allegiance

Chairman Cosentino: This is the Mt. Kisco Planning Board, it's Tuesday August 8th, and this is a regular and work session.

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

Doug Hertz: I'll second that.

Chairman Cosentino: All in favor.

Stanley Bernstein: Aye

Doug Hertz: Aye

Anthony Sturniolo: Aye

Joseph Morreale: Abstain

Chairman Cosentino: Aye

Stanley Bernstein: Mr. Chairman I move that we accept the minutes of June 13, 2006.

Doug Hertz: I'll second that.

Chairman Cosentino: We have a second by Mr. Hertz. All in favor?

Stanley Bernstein: Aye

Doug Hertz: Aye

Anthony Sturniolo: Aye

Chairman Cosentino: Aye

Joseph Morreale: I was not at the meeting.

Chairman Cosentino: You're going to abstain, you were not here?

Joseph Morreale: To both of them.

Chairman Cosentino: Dr. Morreale is going to abstain from both sets of minutes...okay, the next one Stan.

Stanley Bernstein: Well the next two are drafts.

Chairman Cosentino: The next one's a draft.

Stanley Bernstein: The next two are drafts. The final edition will be next meeting.

Chairman Cosentino: Yes, we still have a quorum; we just deleted it, that's all.

Stanley Bernstein: Alright, June 27th and June 11th will be taken up next meeting.

Chairman Cosentino: Alright, all in favor of the last set of minutes.

Board All Ayes

Chairman Cosentino: Did we do that?

Stanley Bernstein: We did.

1. FORMAL APPLICATION

Grand Prix New York – 333 N. Bedford Road Application No. PB2005-21A Jim Diamond Applicant/Michael Gallin, Architect/Sy Aryeh

Chairman Cosentino: Alright, the next thing on the agenda is going to be 333 North Bedford Road. We're going to take this out of order a little bit.

Michael Gallin: My name is Michael Gallin. With me tonight is Jim Diamond and Sy Aryeh.

Chairman Cosentino: Gentlemen, you're going to have to come up here. We have to get you on the mike.

Michael Gallin: And we have some additional people, but they'll state their names if appropriate.

Chairman Cosentino: Okay.

Michael Gallin: If I could just briefly start off. We're here to speak to you about a carting facility in Grand Prix, New York that's being proposed at 333 North Bedford Road. Before I get into that though, I talked to Austin Cassidy today, Building Inspector. He asked if I could type up a quick memo stating where we are in terms of the items, the conditions for being fulfilled prior to the issuance and starting of construction. So I've gone ahead and done that. Would it be okay with the Chairman if that was distributed?

Chairman Cosentino: Yes.

Michael Gallin: Distribute to the Board directly?

Chairman Cosentino: No, distribute it here. We would have liked to have had this.

Michael Gallin: Yes. Unfortunately, the request came this afternoon.

Chairman Cosentino: Well, we're not going to take time to read it now.

Michael Gallin: Absolutely, Thank you. It doesn't have a direct impact.

Lester Steinman: Michael do you have another copy?

Michael Gallin: Oh, yes.

Chairman Cosentino: No problem on the water line. But I want to talk to the other _____.

Lester Steinman: Michael, on that point, because there are a number of conditions and they go to a number of disciplines that service the Board, I think it would be helpful when you submit matters for clients with those conditions that they go to the Planning Board Secretary for distribution to the Board. But also copies to me and Austin and David Stolman would like to see that. So we all have the same set of materials so that we know where we are at a given time.

Michael Gallin: Absolutely. Because of the short notice I wanted to get this in front of you right away, but in the future we will do that. We are in no way saying that we did all of the conditions, but per Austin's request, he asked us to give a status report. Many of the conditions have been met. We've been back in front of the Town of Bedford and they have issued plan approval for the application. Varieties of legal documents have been submitted and are under review by Whitney Singleton. There has been an agreement entered into between Diamond Properties and the Village regarding the indemnification they had requested, and also regarding the memorandum of understanding in terms of the use of the

ball field and the other uses. That's been submitted and is awaiting approval as well. I'm not going to read through all of these items. One other highlight is we met with Michael Stein and discussed scheduling and erosion control and other things, and he had some valuable suggestions, which we will be implementing to, or actually have already been implemented to approval with those conditions.

Lester Steinman: Michael, could you also review what has been done on the site since the approval was granted, because as you know the approval is two-tiered with a series of conditions that precede the issuance of any building permit or the authorization for the site work, and as the additional set of conditions that precede the issuance of the Certificate of Occupancy.

Michael Gallin: Right. There's been some work done on the site in terms of preparation for construction. Silt fences have been installed, construction fences have been installed. There's been some reclamation of asphalt on the site for recycling purposes. If I'm not mistaken, that's, pretty much it.

Chairman Cosentino: Austin, would you have any comments?

Austin Cassidy: So far, so good.

Michael Gallin: So without further adieu, I think Jim is going to speak, and give you and introduction of its use.

Jim Diamond: Okay, thank you Michael. Well, we're excited to be here tonight to talk about the carting use. It's a really interesting use, not something that we anticipated when we were before you previously, but we got very excited when Sy came to us with a use that would actually use 120,000 square feet of the facility, be targeted at the corporate market, and interestingly, most interestingly to us, the inherently passing constraint in terms of the number of users that it can support at any one time. As the Planning Board is aware, of course, we have a 300 trip per peak hour limit for the facilities that are very focused on minimizing the number of trips to and from 333 North Bedford Road. And we think in the carting facility we found a use that, because it's composed of two tracks, that it can only support 12 participants each is actually a capacity constraint. And if we're entered into a lease with this use, we would be putting a number of safeguards into the lease itself to ensure that the facility could never exceed the projected trip generation. So we're excited about it and I think it will be interesting to hear what Sy has to say about it.

Michael Gallin: Obviously,

Chairman Cosentino: Just identify yourself.

Michael Gallin: Michael Gallin, the architects working with Diamond Properties on this application. This use is somewhat unique in terms of defining within the zoning code. We've done some research into the zoning code and we have had some preliminary discussions regarding what would be an appropriate use to define this as. It's our belief that under the ML light manufacturing district, but this use most closely matches membership clubs conducting leisure time and recreational activities for use by members. Sy Aryeh, the executive director of the facility, will talk about the membership notion of how the facility operates and the operations and get more into detail. That particular use requires a special permit of the Planning Board and one of the things that we're hoping to accomplish tonight is to get a sense from you whether or if there's some sort of agreement, and I understand Austin will be heavily involved in making that determination about whether or not that's the appropriate use. If it is, then we need to talk about the process to go from here in terms of public hearings as required under the special permit use. So Sy, if you can talk about the operation of the facility.

Chairman Cosentino: Again, your name for the record.

Sy Aryeh: My name is Sy Aryeh. Pleasure, good evening. I am a veteran resident; I live in the area, I work in the area. I'm very concerned about this area that I am intimately involved with. My children go to school. I have been working on this project for over three years now and I think it's very exciting. I've been looking at a lot of different facilities in developing this, and I think we found a very, very good, symbiotic sort of a location, which helps us and as well as you. What this carting business is, is it's a very, very high end racing and corporate services type of business that caters to the very high end clientele. It's very expensive for companies to come in and affluent individuals to come in and to use this racing facility. And it has a natural sort of business barrier towards limiting traffic, which I think is very complementary to the area. What you're really bringing into this facility are very small numbers of, whether it's companies coming in to do what are called team building exercises during the day, it's really very, very small numbers, small vehicles

that come in, or in the evenings you have again small numbers of individuals that are coming in using it for their own personal use as members. And I think what's great about this facility, what makes it so complementary, because of the concerns that we have here in Mt. Kisco, like traffic and of course the truck possible traffic going into the facility, is that there are no trucks. Not only are there no trucks, they're very high end cars that come and it's a small number of them. So I think that's a very, very good thing. And again, because of the sort of demographic that we're bringing in, I think that's complementary to the Town. One of the biggest things that I think is very complementary is sort of our peak work relationship to how our business is, our busy time as compared to what periods you are concerned about, and that we are at an inverse relationship. When we are busy, that's when you have the least concern about traffic. And during your peak hours of when you're concerned, that is absolutely our bottom 'busyness' level. Again, I think it's a very good symbiotic relationship that way. I think that again it's complementary in every way. I think it's a fortuitous sort of an arrangement having found this facility and that it works very well for us.

Austin Cassidy: Mr. Chairman?

Chairman Cosentino: Yes.

Austin Cassidy: Just procedurally insofar as I'm going to be burdened by needing to make a zoning determination relative to the nature of the use. Standardly what I had asked for is a profiling self-description to memorialize what this use is of all the facets of its _____, the different elements in the operation, and a slice in a day in the life of this operation. Number of staffing, capacities in terms of people in the programs or enjoying the car tracks, supporting staff, and all of that sort of thing for the hours of operation and how late do you think this goes. So then I can have something in fixed point that I can analyze.

Michael Gallin: Of course.

Austin Cassidy: Just the nature of the use.

Lester Steinman: In addition to that, I think it would helpful to provide operations information from the Boston facility which is apparently the bottom of this proposal, and second of all also information how the membership structure will work. How this is in fact a membership property. And how it will not be open to the general public, or will it be open to the general public? Those will be issues, so if someone drives up on a Friday night, and/or can I call and make a reservation and then go in and use the facility, or is truly limited to members. We've been looking for information on those subjects.

Austin Cassidy: Well to expand that, we've had applications in the law passed of variations of a "membership club"; also detail what it takes to become a member, and how soon one can become a member.

Lester Steinman: And in addition to that will be to address the accessories as well, as to how they fit in. **(Inaudible)** The restaurant and other facilities **(inaudible)**.

Michael Gallin: Some of that I think we've included, I think it could be repackaged to

(To many people speaking)

Lester Steinman: I think you're going to still need more information.

Austin Cassidy: Concise, right to the point, because the package is somewhat marketing; I really want to focus on the clear nuts and bolts of this operation.

Lester Steinman: This is a threshold question.

Michael Gallin: Would it be valuable to the Board tonight for us to address at least the membership notion?

Sy Aryeh: And the accessory....or should we wait and address it another night?

Austin Cassidy: Well the Board has time constraints so if you feel you can address it in a few minutes, otherwise the Board may want to hear that another night.

Lester Steinman: Right.

Chairman Cosentino: We'll give you about ten minutes, alright? Because our agenda is very heavy tonight.

Michael Gallin: I think we can touch it pretty quickly.

Sy Aryeh: I'll start with the membership. The membership isn't so much something that's done in advance in very long period of time memberships. What happens is it's limited by either members coming and buying annual members, which would be granted depending on whether or not they qualify. And the major consideration here is that everybody that comes in has to be an adult. There's no children. It's not a family type of recreation facility. It's a very serious, high end facility, so you're buying into something. It is relatively expensive to buy an annual membership. For people that are not buying annual memberships, we do it by a daily membership. Again, these things are expensive. The concept is that you're coming in, and if you are a recreational arrival, if I could explain it, the customer, you do have to come in, you do have to pay, without doing anything, at least \$25 to be able to eat in the facility. And from that point on it basically costs you another \$25 for every ten minutes of activities that you do. It's not inexpensive. It is naturally limiting by its financial structure. By the cost structure.

Lester Steinman: Does that apply also to the accessory facilities as well?

Sy Aryeh: Yes.

Lester Steinman: You mean you can't come into the restaurant or bar area or anything else without paying that annual membership?

Sy Aryeh: Exactly.

Lester Steinman: Because you don't drive.

Sy Aryeh: Exactly. This could be a good segue to get into the accessory. The concept of the accessory uses are not separately and under all. The accessory uses are not interesting to us in any way other than they support our primary use. So the concept of the accessory is food and bar, strictly to be able to support the primary service, which is to provide either our corporate clients for their team building exercises and their meetings, or our high end customers coming in or doing their racing. It's there for them to have their food. You're not allowed to come into the facility unless you are racing. Unless you're an annual member and you're racing or if you're a daily member and you're racing and you're paying for it. It will be limited; it will be restricted at entry. And we will have control.

Lester Steinman: And what happens when you've got one racer and you never get on there, or some other friend comes along to watch and then they both go to the restaurant? Both have to pay for the admission?

Sy Aryeh: Yes. You cannot walk, the way we have it structured is that you cannot come in as a guest unless you are a guest of somebody who is racing. So you can't just come in, but a racer that's coming here can bring a guest if they want. The practical aspect of this is this is not a spectator sport. So people don't want to come in just to sit and watch. It's rare practically speaking in terms of its application that you'll have, you know, a certain number of racers come and a large proportionate number of guests. It doesn't work that way; it's in reverse. You have many more racers than you do proportionately to guests. Guests are really not that much of a, it's not that enticing for a guest to come in. Again, those accessory uses are strictly to support the racing, and that's what that's for.

Chairman Cosentino: I don't know, something's missing. I don't know what it is, and I'd have to find out from Whitney, from our counsel, but something is, I can't figure it out. I said Les, yea, and Austin. I don't know what it is at this point. So, we have to dig deeper into it. And there may be a couple members of the Board that may take a ride to Boston to see what the facility is. It's too bad it wasn't in Bermuda or someplace like that, but we'll go to Boston.

Michael Gallin: Right. We can certainly assist in the logistics of that tour. If that's what the Board's interested in. In addition, admittedly, as I said, the use is somewhat unique, so you're not going to find a section of the zoning ordinance that defines issues, and clearly counsel and the building inspector **(inaudible)**.

Austin Cassidy: Well, it's agreed that it's unique, if not to the country at least to the northeast. And there are only a couple of sites that seem to be doing this. And the same base corporation is behind it. Now I see the applicant on the documents is the property owner. Who's actually running this business?

Sy Aryeh: I will be.

Austin Cassidy: Individually or as a corporation?

Sy Aryeh: No, as a corporation.

Austin Cassidy: Is this a franchise?

Sy Aryeh: No, it's not. This is solely owned; I'm not involved with the other facilities.

Lester Steinman: Other than Boston, is there another facility on the east coast that's either in operation or pending approval?

Sy Aryeh: There is one in Atlanta, Georgia that's owned by, partially owned by Mario Andretti's family. There is another pending one somewhere in New Jersey, which I don't know what the status of it is.

Austin Cassidy: Your relationship to the Boston operation is?

Sy Aryeh: Nothing.

Austin Cassidy: Nothing.

Sy Aryeh: Zero relationship, other than knowing the staff and knowing the owner. I have no involvement.

Joseph Morreale: What makes Mt. Kisco a good location for this?

Sy Aryeh: Mt. Kisco is a wonderful location because of its geographic proximity to highways, to New York City, Greenwich, Stamford, Bridgeport. Again, our primary business is Fortune 500 high end companies that want to come in and do very, again, expensive programs that are alternatives to taking, you know, a few clients to a golf outing. It's a new way to incentive your people or bring new customers on board. And, again, geographically it's perfect. It's perfect because you've got two train stations that are one mile apart each from this facility. It's perfect in that, again, we're right off of the Saw Mill Parkway. We don't need to be near to it, or we don't have commercial traffic. It's another being that you trust. Demographically, it's a wonderful community. It fits with the kind of clients that we have, which are going to be driving pretty much as an average a BMW, Porsche or a Mercedes. A lot of facilities are in not very good areas, that they don't feel comfortable driving their cars into. This works very well. It works very well to have our clients; Goldman Sachs is a typical type of a client. That level of client would be coming and would feel very comfortable to come here.

Chairman Cosentino: Would there be any time where let's say Goldman Sachs, where a group of people would meet down at Goldman Sachs and a bus would bring them in?

Sy Aryeh: Typically what happens is for these outings and events, this is another event that they usually do not drive, you know, everybody in their own car. They come in minibuses; they come in two or three minibuses for the whole day. You're talking about all we're getting for that entire day is \$2,000.

Chairman Cosentino: They're not large buses; they're minibuses that are going to be coming in?

Sy Aryeh: Small. Yea, they're just small ones.

Stanley Bernstein: From your description, I would think there'd be limos.

Sy Aryeh: Limos or with the vans, you know, you get the van type of operation that we're in.

Austin Cassidy: Follow up question. Your introductory packet there references the F1 Boston as a model. In doing your self-description, could you also explain how being that they're in there as a reference model for this operation, how you differ from them? How this one would differ from them?

Sy Aryeh: Absolutely. If I can just have one more minute of time, maybe I could give you a very good verbal description of really what this business looks like. It's important, and also at the same time be able to satisfy your question. I think maybe one of the things that you, when you said there's something that's missing, there is a visual picture of exactly what this facility looks like and how it serves our client. It is hard to get unless you've been there. What you're doing is you're building a super high end, class A office look inside this building. That's what it looks like. It's very high tech. It's very high end. There's a lot of money to be spent. And what happens is that these companies pay, and individuals pay a lot of money to be able to come here. That's the only way we can justify having very low

traffic. That's where the question can come about, where you don't really get that unless you see exactly how high end it is. In terms of what we're doing different than the F1 Boston, F1 Boston is modeled very high end, but they, because Boston is much smaller than New York, have had to go and sort of cater really more towards the entertainment crowd, regular people coming in for maybe small bar parties on Friday and Saturday nights, which is a concern of yours, but that is not what we are going to be wanting at all. Ours is higher end and caters strictly to corporate and affluent racing purposes, nothing else. There's no entertainment. There are no people coming in to drink for the sake of drinking. It is limited to this use.

Lester Steinman: Will it be available to have that narrative in writing with the underscored distinctions and willingness to condition those differences.

Sy Aryeh: Of course.

Doug Hertz: This is a question about numbers. Because you predicate the whole trip based on the number of people you can have on the race course. But it seems to me that you also have conference rooms, you have ancillary rooms, so at any one time you could probably have the race course filled, the rooms, you know, having a meeting in the conference room, people in the café, you know, doing after race, so, the thought about how many people are moving it seems that all those other rooms would be empty.

Sy Aryeh: That's right.

Doug Hertz: So, it doesn't, I mean, it sounds from the facility like a lot more people can be accommodated at any one time. So, just as it goes to numbers, there was no reference to staffing amounts either. So I don't know if those trips are taken into account either.

Sy Aryeh: They were. And they're in the raw data.

Doug Hertz: Okay.

Jim Diamond: And there is an assumption in the model that exactly what you're talking about in terms of the different people racing versus people who **(inaudible)** in....

Doug Hertz: Right.

Jim Diamond: ...is all taken into account.

Sy Aryeh: I can explain it very quickly. The fact that parking, why it's really not a consideration and why practically speaking that doesn't happen, is because you are coming in, you are paying when you come to this facility for the racetrack. It's much too expensive compared to you going to the Holiday Inn for a meeting and conference space. That's not what you're paying for. So you're naturally limited to one group per racetrack, because the way practically our business works is they come into a meeting room, we have somebody talk to them, they do exercises for half an hour, then they go back up to the racetrack and they drive for half an hour and then they come back again. You can't have it cued like a doctor's office where you have six different groups sitting and waiting for a racetrack. You can only have one group of racetrack. So we are limited by two racetracks, and limited by approximately 12 people per racetrack. I can't cue 24 to 36 people for each racetrack at the same time. It doesn't happen, it doesn't work. And you have these large numbers of facilities which because you have to give your customers very roomy, comfortable environments to be able to

Doug Hertz: But you don't envision a larger group with, you know, like one, like two, like three going in for the day.

Sy Aryeh: No, we don't do that. Don't do that at all. It can't be done. The customers wouldn't stand for it; it's not something that..

Doug Hertz: No, I mean their own. In other words, a group of 40 coming in and going through shifts, racing.

Sy Aryeh: It really doesn't happen like that. **(Inaudible)** ...hours that we're all concerned about.

Chairman Cosentino: Anybody else?

Joseph Morreale: Yes, I have another question. Given the large amount of square footage you're going to take for this operation in a town that doesn't have a lot more to give, I'm

curious about the revenue flow and the taxation the town might gain from that. Do you have any idea of that?

Sy Aryeh: Would you like me to discuss it right here?

Joseph Morreale: Yes.

Jim Diamond: You mean in terms of sales tax or...?

Joseph Morreale: Yes. I would just be interested to see what kind of revenue the town would actually receive, as I said, since you're taking so much space.

Sy Aryeh: We expect as a conservative number to be in the _____ plus revenue, and my target is to give possibly \$10 million. And again, this is a very high end use in terms of the person, per head; it's around \$2,000 an hour to use the facility.

Doug Hertz: Just to Jim...in terms of the other uses so far, and I see on that map, you know, warehouse, how does this dovetail with the rest of your plans so far?

Jim Diamond: How does it dovetail in terms of being complementary, or how does it dovetail

Doug Hertz: Yes. I mean what, you know, I know that there were a number of different uses that you were hoping to get in there, with lots of different volume, and some traffic volume, I mean we had talked about a gated facility...

Jim Diamond: Right.

Doug Hertz: So I guess my question is this might make sense assuming there weren't other similarly powered, you know, spaces being used. So, is this the only, at this point the only facility that might have these hours or this type of use that you're looking at?

Jim Diamond: Yes it is. I mean right now the mix of uses is, everything else is basically exactly along the lines of what we discussed in terms of Aromatic has actually just signed a lease for 50,000 square feet, the self-storage facility is in the process of being designed now of 150,000 square feet, and our offices are in the process of being designed, and we'll be moving into 40,000 square feet of primarily warehouse space as well. So we think it's a very complementary mix in terms of we've, as we've talked a lot throughout the meetings with a rep, we've had dozens, probably over 100 potential tenants who we've talked to about the site, and given the capacity of limitations in terms of trip generation, we've had to be extremely selective in what we think works and doesn't work, because the worst scenario for us would be to sign a lease, and somebody we think is going to be low trip generation and then generates a lot of trips. We had to cross a lot of potential things off the list, which is why we got very excited about this type of use. It's very rare that you can find 120,000 square foot user that would user that would generate no trucks and have relatively low trip generation. Even on a warehouse use, 120,000 feet would require 120 parking spaces; we believe this use would typically require 30, 40, 50, potentially 60 parking spaces, and that detail is in the report on an hour by hour basis throughout the week. One of the things that Sy didn't really talk about as well is that a lot of the people who are coming to use the facility are racing more than once. So people are there for more than an hour typically, and we did go, a whole group of us took a trip up to the Boston facility to really get an understanding and a feel of how the whole thing works. And as Sy said, you have to go through a training course, you have to put on a suit and a helmet. It's a whole process, and the race itself is only ten minutes. You really want to do it more than once. We did it three times; I think three to five times is, maybe four times, is what we're typically going to see. So we've really done a lot of analysis on our side to get comfortable because we know that we've got that 300 trip count maximum for the site, and I think that's what really protects Mt. Kisco over the long run, is that whatever happens we're really the guys for it. If it goes over 300 we're in a tough spot.

Chairman Cosentino: Okay, anybody else?

Vice Chairman Sturniolo: When I think of race cars, you know, naturally you think of formula one car in Monaco or any other Grand Prix circuit or Indy 500 cars in Indianapolis, they emit a lot of sound and a lot of noise. Can you kind of just briefly go through what we would expect to hear from this facility with all the race cars going full bar, and where would we hear this?

Jim Diamond: Well, we did do an extensive acoustic analysis. We had an acoustic engineer look at this to ensure that there's no issues because of course that's a concern of ours as well, especially in a multi-tenant facility; obviously the only tenant in the building. These

vehicles are six and a half horsepower carts. They go 35 mph; they're extremely light, 35-40 miles an hour, depending upon what part of the track. But they're only six and half horsepower engines and given the construction of ...

Sy Aryeh: Four stroke.

Jim Diamond: Four stroke, six and half horsepower engines. There would essentially be no sound emission outside of the building. I think this acoustic engineer said five feet away from the building would be the similar amount of sound, I believe it was an air conditioning unit, would be the amount of sound that you would be able to hear within a five foot perimeter of the building. The only wall in the facility that, the only portion of the facility that will actually be on an exterior wall of the building is the side that's along the railroad tracks. And the front of the building, this would just be the entryway and conference rooms, but this is the portion of the facility where the racetracks would be, which is along the railroad tracks. On this side we don't anticipate there will be any sound emissions at all.

Vice Chairman Sturniolo: So, on that westerly side the conference room, the office complex whatever, acts as an acoustical buffer shall we say, so you wouldn't hear any noise emissions or the decibel level I should say would be almost unperceivable from another tenant's point of view, and also from standing out in the middle of the parking lot or, the worst case scenario on Route 117.

Jim Diamond: Absolutely. I think even from another tenant's perspective this sound would be negligible, yet clearly, because at five feet from the building on this side there would be essentially zero sound. So clearly outside the building facing to the east there would be no sound emissions at all.

Austin Cassidy: I would be more inclined to think Mr. Sturniolo that during the course of your review with the air handling system and the air exchange which will occur _____ fully powered engines operating inside, there's going to have to a great deal of air exchange going on. That would be something we would want to take a look at.

Jim Diamond: The acoustic engineer did address that

Sy Aryeh: I believe that's in that _____ **(there was a lot of background speaking by the Board here making this inaudible).**

Vice Chairman Sturniolo: You said before that this is a below traffic generating use. There won't be any trucks. It appeals to high end consumers who would show up in BMW's, Porsche's, in deference to an applicant here tonight, I'm sure they'll also show up in a Lexus...and also your peak traffic hours would be 180 degrees out of phase with Mt. Kisco's peak traffic hours. Earlier in the meeting tonight we were asked to give a feeling of appropriateness for this use, and I'm speaking as one Planning Board member only, and I believe that this would be an appropriate use for this facility at 333 North Bedford Road, pending, obviously, the outcome of a lot more information you'll be supplying. But conceptually, predicated on traffic, trucks, and the high end appeal and traffic usage as I said being opposite to Mt. Kisco, I believe this would be an appropriate use.

Chairman Cosentino: Is there anybody else?

Lester Steinman: Just some issues between now and the next time they're on they can provide more information to the Planning Board. We talked obviously about the physical end, the use issue, the threshold issue, etc., etc., special permit use and then the applicant apply for the special permits in the application, etc., or whether it would require **(inaudible)** or this variance depends on how the building inspector determines the permissibility of the use. In addition, you also ought to address whether change of use permit will be required based upon the differences in parking and the physical parking generally ought to be addressed because there may not be a standard in the existing building ordinance covering the parking, and it will be interesting to know what parking standard was applied to the Boston facility and once _____ recommending the Planning Board in terms of the parking. We also need an environmental assessment board, which we don't have. David Stolman is not here....

(Multiple voices (Board) speaking in background)

...take a look at the environmental issues and working noise, etc., one of the things we noticed is that on the original application it was a dual use provision of the parking for the ball field, because the warehouse uses were Monday through Friday, reasonably 9 to 5, 9 to 6, and on the weekends this use has a weekend component, so you'll need to address that aspect of the original application. And I think that summarizes the additional submission we would be looking.

Neal Alexander: Can I just ask Les one quick question as well as the Board?

Chairman Cosentino: Make it fast, it's getting hot.

Neal Alexander: Given that all the elements are internal; do we want to even do an amended site plan approval for this? Or would that be handled through a special permit? Because I want to give you all the paperwork you would like.

Lester Steinman: Well I think that probably if, I'm assuming that one of the things you're asking for is to allow this to be implemented prior to the traffic? Are you trying to take advantage of that provision with the resolution that said you have the right to the back for partial occupancy?

Sy Aryeh: No this would be occupancy...

Jim Diamond: After the traffic.

Neal Alexander: It's just an issue you ought to address as to whether you would need an amended site plan. Actually, the initial submission you made was for a modification of the site plan, so we will have to look at that.

Chairman Cosentino: Alright. I guess conceptually it sounds good. It may be something that would work there, but I need to get feedback from Austin on some pieces that I feel are missing right now, and I'll feel a little better about it. Austin, before I put them on an agenda, I know you have a lot on your plate.

Austin Cassidy: Well, it's going to keep at....can obviously go much further, until I have some hard data; I'm really going to be basing my interpretation on, and also the time framing for the Board and your schedule...

Chairman Cosentino: That's why I'm bringing this out.

Lester Steinman: We spoke with Tony earlier just so that David Stolman and I could make sure our calendars were clear, and we would hope that you would put it on for the second meeting in September.

Chairman Cosentino: What I don't want to do is, I could put it on but I don't want to get the same feedback as I've gotten tonight. If I can't get some feedback from Austin and from here, I mean, I like you guys, but we want to get it done.

Michael Gallin: If you like, we can withdraw the application if Austin isn't satisfied, and we've gotten the approval.

Vice Chairman Sturniolo: Could you make that date, information-wise?

Lester Steinman: We would have to have that information several weeks prior to that.

Chairman Cosentino: Then I would put you on the calendar for that. I don't have a problem. The 26th. You feel somewhat comfortable with that?

Austin Cassidy: Again, we've identified for the record that this is unique, but it's not only unique to this community, it's unique to the region, probably even unique to the state. But based on that, we're going to need ample time to not only read what you've got to say, but really digest it and use as background.

Lester Steinman: Would it be fair to say Austin that we'd like to have your input right after Labor Day?

Austin Cassidy: If not sooner. Labor Day is actually a short window.

Michael Gallin: Before the end of August is great.

Stanley Bernstein: The cutoff date for the 26th meeting is September 12th.

Chairman Cosentino: So that means you would have to have all your material, paperwork submitted by the 12th.

Michael Gallin: Right.

Chairman Cosentino: Okay.

Michael Gallin/Jim Diamond/Sy Aryeh: Thank you very much.

2. FINAL ACTION

919 Mountain Avenue Doug Hertz/William Balter Applicants

Chairman Cosentino: Alright, the next thing on our agenda is 919 Mountain Avenue.

Doug Hertz: Mr. Chairman, as I am the applicant, I am refusing myself from this.

Chairman Cosentino: Okay. We have a resolution of approval here for 919 Mountain Avenue. Whitney, you've gone through this?

Whitney Singleton: We went through it so much that it overwhelmed me when I left.

Chairman Cosentino: Then we'll start with Nanette. Nanette.

Nanette Bourne: I believe that Whitney has got some people. **(inaudible)**

(Many voices in background speaking)

Chairman Cosentino: Plans on landscaping filed any time?

Doug Hertz: No, it's a subdivision. There's no change.

Chairman Cosentino: Alright Whitney, go ahead.

Whitney Singleton: Yes, Chairman, in the second proposed whereas clause I would propose the following on application so it reads as follows: Whereas due to the fact that the applicant is a member of the Village of Mt. Kisco Planning Board, he has refused himself from any and all participation and review of this application. I would also recommend a couple conditions of approval modifications going to item number 10, or condition number 10. Where it says there shall be no filed certificate of the occupancy issue until there is full compliance with each condition contained within this resolution that there is an insertion of that point and the same for each of the respective lots.

William Balter: So how would that read?

Whitney Singleton: So it would read there will be no final certificate of occupancy issued until full compliance returns. _____ contained within this resolution for each prospective lot and the plans incorporated herein. Additionally, the addition of conditions 11, 12 and 13 with a similar limitation on condition 11 that no _____ pursuant to the subdivision approval shall be sold unless and until all of the parts of site plan are fully performed and installed for each lot.

William Balter: You mean relative to the lot you're seeking? On each of those, you mean relative to the lot you're seeking the CO.

Whitney Singleton: Yes. I can clear up the language on that. But the inclusion of these last three items is basically to ensure that the Planning Board, the assessor and the building inspector all have accurate information by going forward _____ and that there is a very limited certificates of occupancy and the assessments are reflected for single-family home use and it's not multi-family.

Chairman Cosentino: Okay, is there anything else on this? Nanette?

Nanette Bourne: No.

Chairman Cosentino: Alright, we need a motion.

Stanley Bernstein: So moved Mr. Chairman.

Chairman Cosentino: We have a motion.

Stanley Bernstein: I move that we accept the resolution of approval for 919 Mountain Avenue, application number PB2006-12.

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

Joseph Morreale: Second.

Chairman Cosentino: Second by Dr. Morreale. Will the Secretary poll the board? On the question, I'm sorry.

Stanley Bernstein: Is the applicant comfortable with what they heard tonight?

Doug Hertz: As amended, yes. Was the motion as amended?

Chairman Cosentino: Yes, well, yes, we should have said as amended. The motion is as amended.

Stanley Bernstein: I've read off the motion, just put in parenthesis 'as amended'. I move that such and such parenthesis as amended. It should be documented before us as amended.

Chairman Cosentino: Okay, you have motion by Mr. Bernstein. You have a second by Dr. Morreale, will the Secretary poll the Board.

(Polling the Board)

Stanley Bernstein: Aye.

Joseph Morreale: Aye.

Vice Chairman Sturniolo: Aye.

Chairman Cosentino: Aye.

Board All Ayes on the approval of this application as amended.

Doug Hertz: Thank you very much gentlemen.

Chairman Cosentino: Good luck.

3. Special Discussion

305 Lexington Avenue Application No. PB2000-08 John Martabano, property owner

Chairman Cosentino: Alright, the next thing on our agenda is 305 Lexington Avenue. The Planning Board made a site visit on 7/15/06. And we talked about a dumpster. Do you want to come up? We talked about a dumpster that was to be removed in the right hand corner of the building as per a resolution of approval of a store being rented. In our workings of it, the Planning Board felt that there was no way that the dumpster would work in the far right corner of the rear parking lot, only because you couldn't back up a truck to it. The applicant had two areas roped off, one was in the back right and one was on the side left facing the building, left side of the building. We felt that would be the spot where the dumpster should be, diagonally, so a truck can get to it, where it would be better put. Now I don't know if my fellow Planning Board members were there. You want to add anything to it? But that's where we felt it should be put; on the side there where air conditioning units are, and away from the rear fence. And you probably have to take a parking space to do it. But no way would it work in the back. That would be impossible. Where do we go from here?

Whitney Singleton: Well, first of all, when you say on the side _____, on side of the property?

Chairman Cosentino: Northern side of the property, where it was roped off. Mr. Martabano roped it off for us.

Whitney Singleton: Right now there is presently a resolution of approval which requires the applicant to relocate the dumpster to another portion of the property.

Chairman Cosentino: Right.

Whitney Singleton: Pursuant to the last modified site plan. The applicant had requested that your Board conduct a site visit to validity and feasibility or efficacy of relocating it, and you are now indicating, I don't know if it's more of the Board here, but certainly as to the

Chairman say it that you'd like to have the dumpster relocated to another location, further to the left of the existing location?

Chairman Cosentino: Yes.

Whitney Singleton: Right now the existing site plan for overall parking in another location, the applicant would like to modify its application to relocate it to the side of the building on the northern end of the property. And the applicant can do that. Otherwise, right now, you have a consistent site plan showing it on the southern end of the property.

Chairman Cosentino: I think that the applicant showed that he really wanted to work with us on it and roped off some different areas and I think if he didn't rope the areas off would mean that he was totally against a corner, but we found out that the corner was not operable, you couldn't do it. So we felt that the other area that you roped off on the north side would be the best for everybody concerned.

John Martabano: The only question there would be with our tenants if....

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

John Martabano: I'm John Martabano. The only place would be the effect of the intake of anything of _____ thing to the air conditioners that are right immediately next to it.

Chairman Cosentino: Well, there's no intake into the building.

John Martabano: It's a cooling situation.

Chairman Cosentino: Yea, but there's no intake as far as a vent going into the building, so there wouldn't be any intake, we looked at that.

John Martabano: I guess I'll have to have my attorney talk to you.

Chairman Cosentino: Yes.

Whitney Singleton: This was what was proposed as one _____ of the applicant or...

Chairman Cosentino: The applicant proposed one of these sites.

Whitney Singleton: But you're not modifying what was proposed is what I'm getting at. Is it as they laid it out for you, or is it different from what they laid out for you?

Chairman Cosentino: As he laid it out for us.

John Martabano: It would take one parking space that has to be determined obviously because if we're losing a parking space we're losing tenant space. Obviously, the record had some wording to that effect.

Chairman Cosentino: Okay. Your attorney will get in touch with Mr. Singleton, right?

John Martabano: Correct.

Chairman Cosentino: Thank you.

**4. Special Discussion
Old Iron Warehouse
Cary Place Application # PB2005-20**

Chairman Cosentino: Old Iron Warehouse. Anybody here for Old Iron Warehouse, Cary Place application? There's a comment and review from the site visit. We visited the site on 7/15. If I remember correctly, the applicant before this gentlemen, and I think the gentleman's name was Locadamo, and I'm not sure whether he represented his family or what, that when the building was going to be put up as we made the electrician across the street curb the front of the property up to the corner of Kiskon Road, I think that in all fairness if you do for one you have to do for the other, is in this application he should be curbing from his site back up to Kiskon Road. If we take out the application before this one, they agreed to do it. And also the cul-de-sac, the turnaround should be also both curbed and repaved. Do my fellow Board members agree that what we said there...?

Vice Chairman Sturniolo: The advantage, Mr. Chairman, I could see with your positive suggestion which came out of the site visit, is it will also help define where the individual applicant's property ends and where Village property is by paving the entire street, including the cul-de-sac, and putting the poured in place concrete as well, and it will also add to

cleaning up that broken blacktop environment that's being abused by other neighbors in the area as well by parking heavy equipment and trucks on Village property.

Chairman Cosentino: Right. Now, if you take, this is for you Mike, you might want to look at this. If you take the property line from the corner house there, where the offices of Baldwin Electric, and you mark from his corner plot back to Cary about 30' of that property my understanding is on his property where the curbing was put in the wrong spot. Which if the curbing was pulled in more you would make that road wider for the trucks to get in and out, so you need to look at the survey of the property line on that location. Because I think there is a clean out for a pumped sewer line coming out. Maybe that's why they did it, but they might have to be moved. But if you can widen the road because of those trucks. Also at the same time, we felt that in coming out of Cary Place there should be a sign saying trucks, you have to make a left hand turn. So if all trucks coming out of Cary Place, a sign with an arrow with a left turn. And at the corner of Kiskon Road and Lexington Avenue, another sign, the sign there is not visible, but a sign saying no trucks going up Kiskon Road. The Planning Board also requests that there by parking on one side of Kiskon Road eliminating the, what did we say, the south side?

Vice Chairman Sturniolo: Southerly.

Chairman Cosentino: Southerly side, eliminate southerly side parking and only the north side be parking to go up and down the road because you can't even fit two vehicles going up and down. And that's what we observed. Are there any other, any I forgot?

Whitney Singleton: That last portion is you're recommending that a formal application be done by the Village?

Chairman Cosentino: Yes. Yes, the Planning Board is recommending that.

Vice Chairman Sturniolo: Since the applicant is not here, I wonder what the vehicle is so the applicant knows everything we've discussed tonight and what our direction is.

Chairman Cosentino: Well, the only thing I can suggest is that a letter needs to be written in all fairness to the applicant. A letter should be written to him telling him what our recommendations are.

Whitney Singleton: And your recommendations, you're ultimate....

Chairman Cosentino: I'm sorry, I take back the word recommendation. It's what the Planning Board wants as part of his resolution.

Vice Chairman Sturniolo: And who's going to write the letter?

Chairman Cosentino: I think Whitney should do it, right?

Whitney Singleton: I'll be happy to. But if an applicant chooses not to show up when we scheduled her on agenda, for us to write a synopsis for what happened isn't our responsibility.

Vice Chairman Sturniolo: In that case...

Nanette Bourne: **(inaudible)**

Vice Chairman Sturniolo: Well, in that case then I would withdraw my constructive suggestion about a letter.

Whitney Singleton: The issues that you wanted identified was the curbing.

Chairman Cosentino: Curbing the full length of Cary Street.

Whitney Singleton: The look, the length of the location of the curbing.

Chairman Cosentino: Right.

Vice Chairman Sturniolo: Blacktop.

Chairman Cosentino: The blacktopping of the cul-de-sac and curbing of the cul-de-sac. And I think Mike has to look at this.

Whitney Singleton: And some issues with regard to signage?

Chairman Cosentino: Signage. As you pull out of Cary Street you need to have a sign put there, no trucks.

Whitney Singleton: Signage....

Chairman Cosentino: ...or all trucks with an arrow.

Whitney Singleton: ...and parking restrictions to be forwarded to the Village.

Chairman Cosentino: Right. And no parking on the south side of Kiskon Road. Eliminate the parking there.

Whitney Singleton: I believe the Village is already aware of that desire, correct?

Chairman Cosentino: Jim Palmer was aware, Jim Palmer was there, and he was present.

Whitney Singleton: I will encapsulate this.

Chairman Cosentino: Okay. Okay, the next thing, Stonsby, Peter Stonsby.

5. Public Hearing

Peter Stonsby – 91 High Street Application No. PB2006-09 Peter & Denise Stonsby, applicants

Chairman Cosentino: I realize you just got married and I see you with crutches. That's not a good sign. Congratulations on that. We have a public hearing. Has this been posted?

Stanley Bernstein: Yes, it's all in here.

Vice Chairman Sturniolo: There is an order for legal notices that went to the *Journal News*...

Chairman Cosentino: Right, I see.

Vice Chairman Sturniolo: ...regarding this; however, it says at the bottom of the page, I need to make note of it, but it says ZBA application for this public hearing. That's incorrect. And then there is the public notice received June 7, etc., etc., regarding public hearing.

Stanley Bernstein: Nancy Placenta filed that.

Chairman Cosentino: Pardon me?

Stanley Bernstein: Nancy Placona filed that....

Nanette Bourne: Notices with the newspaper.

Chairman Cosentino: Yea, the Planning Board Public Hearing in on the 8th, which is today. Let's get done with the Public Hearing then. The way we do this, is there anybody in the audience here for this applicant to talk for or again?

Stanley Bernstein: There's a sign in sheet.

Chairman Cosentino: There's no sign in sheet. Okay, then we'll go around with the application. We need to close the Public Hearing and keep it open for a ten day written notice.

Denise Stonsby: Do you guys need these as documentation that letters went out to the area properties

Chairman Cosentino: No. We need a motion.

Whitney Singleton: Chairman?

Chairman Cosentino: Yes?

Whitney Singleton: We don't have anyone present at the, present to speak publicly. I do believe you have some public comment in form of writing on this.

Chairman Cosentino: Well, you wouldn't have to read them all out?

Whitney Singleton: No, I think we can simply acknowledge them as part of the record.

Chairman Cosentino: Okay. We have approximately 7 or 8 pages in your favor from your neighbors saying that they want you to improve your property, which is good. It should be improved. If you don't have copies I can give you copies of them.

Denise Stonsby: I've got them.

Chairman Cosentino: You've got them? Great neighbors. But that's just for the record. Okay. Since that's been acknowledge, we need a motion to close the Public Hearing and keep it open for ten day written notice.

Doug Hertz: Chairman, I'd be happy to make that motion.

Chairman Cosentino: Motion by Mr. Hertz. Do I have a second?

Joseph Morreale: I second.

Chairman Cosentino: Will the Secretary poll the Board please?

Doug Hertz: Aye.

Joseph Morreale: Aye.

Stanley Bernstein: Aye

Vice Chairman Sturniolo: Aye.

Chairman Cosentino: Aye. Okay, on with the application. We have an application before us. There's nothing more, that's it. You're all done.

Board All Ayes on the motion to close the public hearing and written comment opened for 10 days.

Peter & Denise Stonsby: Thank you.

Chairman Cosentino: You're all done. You're on your way. You've got a lot of good neighbors up there.

Peter Stonsby: I've been living there my whole life.

Denise Stonsby: I haven't.

Chairman Cosentino: You haven't.

Whitney Singleton: This is just a Pubic Hearing.

Joseph Morreale: So this is just closure of the Public Hearing.

Chairman Cosentino: That's it.

Whitney Singleton: You have the comments from the Village Engineer relative to ...

Chairman Cosentino: You have some comments? Go ahead.

Stanley Bernstein: Comments from _____ **(inaudible)**.

Michael Stein: As far as a retaining wall, the type and size **(inaudible)**....

Peter Stonsby: And we had a letter from my excavator where the fill came from, and I believe you had talked to Dan Ciarcia from, and got some kind of verbal okay on the project and you know this is what we were waiting for to go forward. So what's our next step here?

Chairman Cosentino: That's gone. That's all on record.

Peter Stonsby: Not a verbal okay, but just a verbal agreement on what the site plan was and that everything was ...

Vice Chairman Sturniolo: Who participated?

Peter Stonsby: My engineer and the Village....

Michael Stein: Yes, there's just more information that they had to provide as far as a retaining wall. Since some of it is existing, but they're actually, we're just constructing...

Chairman Cosentino: Well Mike, why don't you work that out with them so we can finish this up and get it out?

Nanette Bourne: Mr. Chairman?

Chairman Cosentino: Yes?

Nanette Bourne: I'm assuming that you would like this cued up for review at an upcoming meeting. In order for...

Chairman Cosentino: But he's got to finish.

Nanette Bourne: Right. Because, we would need to have some plan that shows exactly what the closed action is.

Chairman Cosentino: Yes. He's going to finish with Mike and his engineer.

Nanette Bourne: I just wanted to....

Peter Stonsby: I submitted, I don't know, ten copies of plans already as to what the final site plan would be.

Nanette Bourne: And does it reflect the comments that the engineer is

Peter Stonsby: I believe so.

Michael Stein: But they had to be revised. The revised plans hadn't been submitted addressing those comments.

Peter Stonsby: Okay.

Chairman Cosentino: You've got to check with your engineer, that's all.

Nanette Bourne: So that means he would have to work out with Mr. Stein what has to be on the plans. Those plans need to be submitted to the Planning Board ten days in advance.

Chairman Cosentino: He's going to meet with him and get that all done.

Michael Stein: Just have Dan from _____ office to give me a call.

Peter Stonsby: Okay.

Chairman Cosentino: When that's all done, we'll get a resolution.

Peter Stonsby: Okay. We should get on next month for the next Board meeting?

Chairman Cosentino: If all of the paperwork is done, yes, sure.

Peter Stonsby: I thought we were all done but I guess we're not.

Chairman Cosentino: Well, because you need the final paperwork that's all.

Peter Stonsby: Okay, great.

Nanette Bourne: That would be ten days in advance of the September meeting....

Vice Chairman Sturniolo: The 26th.

Nanette Bourne: Regular meeting.

Chairman Cosentino: Call Nancy, she'll steer you the right way.

Vice Chairman Sturniolo: The next work session is the 26th.

Nanette Bourne: When's the next regular meeting/

Chairman Cosentino: September.

Nanette Bourne: If I'm doing a draft resolution for approval that would be for the regular meeting in September?

Vice Chairman Sturniolo: September 12th. So he has to have it in by September ...

Chairman Cosentino: August 23rd.

Vice Chairman Sturniolo: August 23rd.

Chairman Cosentino: ...is the cutoff date for September 11th. You have time.

Peter Stonsby: I got a little in front of me, a few more weeks.

Vice Chairman Sturniolo: I mean, technically, you're right. I'm still a little confused as even why there's a public hearing that we had tonight, but that's...

Chairman Cosentino: Because we were told.

Vice Chairman Sturniolo: September 12th, regular session. August 23rd is when the paperwork is the cutoff date.

Peter Stonsby: Okay. Is there anything else you guys are going to require from me?

Chairman Cosentino: Not us. Just make sure you've got all your stuff when you come back in. Nanette, you're going to work with somebody converting your resolution.

Nanette Bourne: No. I don't really have anything to work with them about.

Chairman Cosentino: We need a resolution.

Nanette Bourne: All you need to do is to submit the plans and if they're okay with Mike, those plans would be sent to my office so that we can draft a resolution...

Chairman Cosentino: Resolution of approval.

Nanette Bourne: For maybe the September meeting; if not you would go on the October meeting.

Peter Stonsby: Okay. Submit the plans to Mr. Stein and he will in turn give them to you.

Chairman Cosentino: Yes.

Nanette Bourne: No.

Chairman Cosentino: No?

Nanette Bourne: You have to send them directly to, if you submit them to Mr. Stein he will give the green light that it's what he's looking for. Then you'll have to submit your ten copies to Nancy Placona of the Building Department, plus a set sent directly to me.

Peter Stonsby: Okay. And you are.

Nanette Bourne: Nanette Bourne; I'll give you my card.

Peters Stonsby: Okay, great.

6. **Continued Review:**

Joseph and Janet Rossi – 330 Lexington Avenue Application No. PB2006-17

Chairman Cosentino: Alright. Joseph and Janet Rossi.

Whitney Singleton: Mr. Chairman, I was contacted by Mr. Rossi this afternoon and he has asked me to withdraw him from tonight's agenda, with the possibility of coming on again. He's considering whether or not to pursue the application involved.

Chairman Cosentino: Okay. I'm going to take a couple things out of text here Tony, alright? I've got to leave so I'm going to take a couple things out of text here. First what I'm going to take is New Zion Realty.

7. **Formal Application:**

**96 Lexington Avenue
Application No. PB2006-18
Brad Schwartz, attorney for the applicant
Dan Copleman, engineer
Scott Davidson, applicant**

Chairman Cosentino: Zion Realty. Okay. All identify yourselves for the record please.

Brad Schwartz: Brad Schwartz from Zarin & Steinmetz.

Dan Copleman: Dan Copleman from Keene Copleman Engineers.

Scott Davidson: Scott Davidson.

Stanley Bernstein: And if you have business cards kindly give them to Susan.

Chairman Cosentino: Alright. We have a letter from Brad here, I guess we read that. Go ahead.

Brad Schwartz: Mr. Chairman that was a formal application that we submitted. We were here last month for conceptual review. You indicated that we needed to go to the Zoning Board for a variance from the required number of parking spaces, there was a discussion as to whether or not we could go to the Zoning Board before a formal application; we were advised that we couldn't, so we made this application so that hopefully we could trigger the process, get the notice of denial from the Building Inspector and then proceed to the Zoning Board, so long as your Board should give us the okay to go ahead and do that. Now the only revision since last time, were we removed the two spaces that were proposed as employee spaces inside the garage, and these have been removed.

Chairman Cosentino: Okay.

Brad Schwartz: We also, in response to the Gatto Drive concerns, I had sent a letter to one of the neighbors, Peter Scala; we did not hear back. I did speak with the Village Manager, Jim Palmer, regarding the permit program along Gatto Drive, and I was told that the program has worked, that's it's only resident parking only.

Chairman Cosentino: I spoke to the Village Manager. The program has worked, but we have a, it's not public hearing, but I, Luke Scala, do you want to add anything to that. I mean I'm sure, it's not a public hearing but I'll allow you to.

Mr. Scala: I do have a couple of things.

Chairman Cosentino: Why don't you come up here and just make a couple....

Luke Scala: Chairman, if it's possible, I would like to hear where they're going with this.

Chairman Cosentino: Why don't you come up here so you can listen more. This is Mr. Luke Scala. He lives on the road. What they're proposing is an interior design shop, no trucks involved except a little van, where he picks up a couch or something, brings it, unloads it, fixes. I think there are two employees, possibly three. Like I say no large trucks. That's the extent of his business. The reason why he needs a building like that is because he has a lot of storage, meaning padding and stuff like that, that he needs to keep in stock, and they use a lot of that for rebuilding furniture. As that, I'll let you go ahead.

Brad Schwartz: The parking demand is for five, well for six parking spaces, one of them is an employee space and the other five are two for the customers that come in to select their fabrics that are going to be on the furniture.

Chairman Cosentino: And there by appointment by the way.

Brad Schwartz: One is for Scott's van, which he uses to pick up and deliver the furniture, and then two are for two of the employees who drive to work. There are a total of five employees, two of whom drive; the others are either dropped off or live locally in the Village and walk. We understand and we're sensitive to the fact that there's been issues in the past regarding traffic concerns along Gatto Drive. It is our understanding that there's been a program installed recently where only those residents with stickers can park along Gatto Drive. So even in the event, and what we are presenting, be the parking demand, is a true

and correct representation of even if there was any excess parking. You couldn't park along Gatto Drive, you need a permit. And you'll get a ticket.

Chairman Cosentino: He wouldn't need it anyway.

Brad Schwartz: He wouldn't need it anyway, but the idea is that that program has worked to rectify the parking situation on Gatto Drive.

Chairman Cosentino: Out of all the people that applied for this, this was the lowest impact. That instead of him renting it or if somebody came in to purchase the building, and know it was going to be his to get along with the neighbors. This is what he wants to do. I don't know, my fellow Board members have anything to add to this? I just think it's the lowest impact we're going to get out of that building.

Doug Hertz: Other than taking off a piece of the building.

Chairman Cosentino: Well, we're not going to take off a piece of the building, that's for sure. Other than that, I don't see any problems myself with this. I think it's the lowest impact we're ever going to get on a piece of property like that. The man is entitled to sell it. He entitled to, what I like about it is that it's his investment. He's purchasing the building; he's not renting the building. So it's not a matter of him overloading and getting thrown out. Whatever he protects he's going to protect for his own livelihood. So he needs to get along with everybody, and that's what I like about it. It's his investment.

Luke Scala: Mr. Chairman? I do have a couple of statements to read.

Chairman Cosentino: Sure. Again, would you be kind enough to state your name for the record, and kind of direct your....

Luke Scala: Well I wasn't ready. But my name is Luke Scala.

Chairman Cosentino: Go ahead Luke.

Luke Scala: Concerns are, before I read the statements, is
Vice Chairman Sturniolo: Mr. Davidson is that true?

Scott Davidson: Yes.

Whitney Singleton: He passes on it. No offense. He passes on if another business comes in...

Chairman Cosentino: He has to come back before we hear it.

Whitney Singleton: Has to come back.

Brad Schwartz: We would need a variance for the required number of parking spaces that would be tied specifically for Mr. Davidson's use. So that couldn't pass on to a future tenant.

Chairman Cosentino: Any change has to come back before this Board.

Whitney Singleton: Even if it's the same use.

Chairman Cosentino: If it's the same use, I don't know, it's the same use Whitney?

Whitney Singleton: I think what Brad's trying to indicate is that the use that they're proposing has a parking requirement which far exceeds what's available on site, and he suggested that we tailor our resolution of approval as well as any Zoning Board resolution of approval labeled parking spaces to this specific use.

Luke Scala: Is an area variance possible?

Chairman Cosentino: We could put that right in the resolution.

Whitney Singleton: An area variance?

Luke Scala: It would be an area variance for the parking requirements.

Whitney Singleton: And not a parking variance.

Chairman Cosentino: Right, not a parking variance.

Luke Scala: It's an area variance. I trust this Board. I think you're a gentleman of your word.

Whitney Singleton: For purposes of clarification, I just want to mention this sentence.

Luke Scala: I'm sorry.

Whitney Singleton: You cannot restrict it just to this forum. You cannot restrict it just to this forum. If somebody came in with the identical business, identical operator, they would be able to step right into their shoes.

Chairman Cosentino: Well, it has to be identical.

Whitney Singleton: But it would have to be identical. Then the Planning Board would ...

Chairman Cosentino: Review it.

Whitney Singleton: It happened where an identical business came in behind Matomi.

Chairman Cosentino: Now?

Whitney Singleton: No, years ago. The same use came in behind Matomi.

Chairman Cosentino: Yes, but I think the building was revamped since then. A lot of things have changed since then.

Luke Scala: So we would be getting an area variance rather than just a parking variance?

Chairman Cosentino: You'd be getting an area variance.

Luke Scala: I would like to read my statements.

Whitney Singleton: If the ZBA grants it.

Luke Scala: I have two statements to read. As to the parking on Gatto Drive, the program has worked. It's a state program.

Chairman Cosentino: We checked with Jim Palmer and I checked with a few neighbors. I couldn't find you, but it's worked.

Luke Scala: It has. As to the parking, to the extent of insignificant on-premise parking, any failed variance will create pressure on those coming and going to park illegally that will create an enforcement problem for the Village of Mt. Kisco. As long as we understand that, that a failed variance is going to put pressure on your people.

Chairman Cosentino: No doubt about it. And if it happens, we're going to go right after him.

Luke Scala: Two. My family has no objection to any business on this site which does the following: maintains the character of the residential Gatto Drive community, protects the health, welfare and safety of the overall area, and for the quality of life we enjoy now in our residential community to remain intact. That's all I have to say.

Chairman Cosentino: Well, that's good Luke, but, and not to repeat myself, the type of clientele, I don't want to word this wrong, that he deals with, I'd have to, you're talking maybe a set of curtains for \$25,000. I mean if my wife ordered something like that I'd have to go to see a lawyer about a divorce. But he deals with people such as that, so anybody that's going to purchase from him, I only know this from people that I spoke to because I know it's a delicate area, so I needed to do a lot more homework than I normally would do when something comes before us. His businesses mostly, if I'm wrong, correct me. You go to the home most of the time and sell. They'll come in and pick up, but most of his business is inside the home as an interior decorator. So there's not a lot of people that come to the office, and if they do come it's, what I was told by one of his clients, is she had to make an appointment to go there. So the lowest car count that we'd get, it would be something like this, to satisfy everybody. And again, it's his building; he's not renting it. So if he makes mistakes, it's his livelihood.

Scott Davidson: Yes, I understand that.

Chairman Cosentino: So we took that into consideration also.

Luke Scala: The Chairman and the Board, I trust your judgment.

Chairman Cosentino: Thank you, we appreciate that.

Luke Scala: I know the people that are here and I do trust your judgment.

Chairman Cosentino: And we appreciate that.

Luke Scala: We put our faith in your hands.

Chairman Cosentino: I appreciate that.

Luke Scala: I just have one other question.

Chairman Cosentino: Sure.

Luke Scala: The building as it stands now is set and you're going from six parking spaces to five parking spaces?

Brad Schwartz: Well, there's six on sites now that actually don't conform to the code standards for the way parking spaces are supposed to be design. Dimensionally we're keeping with six spaces, but bringing them all up to code compliance.

Luke Scala: And the issues that were in the original variance from 1995, which had a stockade fence between the properties will remain?

Chairman Cosentino: That I would have to assume yes.

Luke Scala: Okay. That's all I have.

Chairman Cosentino: And I'm sure that if there's something you need, you can talk to this gentleman. He wants to be a good neighbor.

Luke Scala: We do too. No problems.

Chairman Cosentino: Okay. Is there anything from my members that you want to add to that?

Stanley Bernstein: Yea, I would like to add more to it. This is probably the best use for this space that we could find, and it's always in the back of my mind because of it's unique location and problems contingent with it, if a tenant like Mr. Davidson, not a tenant, an owner like Mr. Davidson didn't come in, this building will remain vacant, which is not good either for Mt. Kisco or the neighbors. It's a building that should be filled by a quality owner or tenant in business. And I think we've got that.

Chairman Cosentino: Anybody else? Okay. Where do we go from here Nanette?

Nanette Bourne: Well, what's the schedule for the meeting with the ZBA?

Brad Schwartz: We haven't applied yet.

Chairman Cosentino: Why don't you apply before the ZBA. You've got our blessing.

Brad Schwartz: I appreciate that. I'll have to talk to Austin about whether his memo that was previously issued is sufficient for a notice of denial, or whether he'll have to issue an additional letter that we could formally appeal.

Chairman Cosentino: Would you get a letter to the ZBA stating that this Board approves the concept? Can we do that?

Vice Chairman Sturniolo: Is that going to conflict with Austin's letter?

Whitney Singleton: I'll have to go back and....

Chairman Cosentino: Blessings. That's he's got our blessings.

Whitney Singleton: I will draft a letter to the Board.

Chairman Cosentino: Okay.

Brad Schwartz: Whitney, after I put together a Zoning Board application, I'll obviously send you a copy that you can comment on.

Chairman Cosentino: Alright gentlemen.

Nanette Bourne: And obviously when there's some decision made by the ZBA, that it will be back on the Planning Board agenda.

Chairman Cosentino: I'll put you back on.

Brad Schwartz: We'll come back here also after we go, I've got to talk to Scott about potential sign which I, if there's any ARB issues we'll go to the ARB before we come back.

Nanette Bourne: And as part of that I recommend that you get a copy of the '95 resolution so that you can look at it. Make sure that the stockade fence and anything else.

Brad Schwartz: I do have that resolution; I'll review it for the stockade fence and other issues.

Doug Hertz: Also, as part of the signage, I think we had commented about the Plants & Things sign. There was some language that was crafted essentially trying to indicate that you're not a walk-in retail establishment.

Chairman Cosentino: Well, he is and he isn't. The customer will come in.

Dan Copleman: To pick out fabric.

Chairman Cosentino: To pick out fabric.

Doug Hertz: Okay.

Vice Chairman Sturniolo: A customer comes in to look at their displays as well, but you have to indicate that someone just passing by is not going to stop in.

Chairman Cosentino: He wouldn't deal with a customer like that.

Vice Chairman Sturniolo: Well, they have to know this so they don't stop and park and hop out and see what he's got in there.

Brad Schwartz: What kind of language was discussed in that application that's satisfying?

Vice Chairman Sturniolo: It's in the minutes; we can find it.

Chairman Cosentino: Talk to Whitney on it, alright?

Brad Schwartz: Okay.

Doug Hertz: Do we have, we have that right? We have the language that was used for that sign.

Vice Chairman Sturniolo: Absolutely.

Nanette Bourne: That was for Plants & Things.

Chairman Cosentino: Check with Whitney on that.

Nanette Bourne: Did it say by appointment only?

Doug Hertz: It said something like that.

Chairman Cosentino: Yes, but appointment only it said. And he doesn't mind that.

Brad Schwartz: Mr. Chairman, there's one other question we have on this application.

Chairman Cosentino: Brad, you're pushing your luck.

Brad Schwartz: We left a note on the drawing that would say Mr. Davidson wants to remove the façade that's put in front of the garage door and reestablish those doors so he can have his loading area in back. That's an ARB issue probably for the front of the building.

Chairman Cosentino: It's an ARB issue.

Brad Schwartz: I didn't know if it's a Planning Board issue.

Chairman Cosentino: It's an ARB issue.

Brad Schwartz: Okay.

Chairman Cosentino: If he wants to remodel.

Brad Schwartz: That's what he wants to do.

Chairman Cosentino: That's an ARB issue, not us.

Brad Schwartz: Okay.

(Thank you)

Vice Chairman Sturniolo: Brad, are you leaving now for the evening, or are you going to sit down?

Brad Schwartz: What would you like me to do?

Vice Chairman Sturniolo: It's up to you.

Brad Schwartz: I will stick around for a little bit. There's one application I'm going to stick around for.

Chairman Cosentino: He wants to put new doors in.

Stanley Bernstein: But I think there are working doors behind.

Chairman Cosentino: There are doors there now.

Doug Hertz: But the parking spaces don't allow you to access them.

Stanley Bernstein: I think on the drawing it shows.

Chairman Cosentino: You can get **(inaudible)**.

(Several voices speaking at once)

Chairman Cosentino: And if you see the garage it looks like hell. Alright,

(Background voices speaking low)

Chairman Cosentino: John's Best. Anybody here from John's Best?

Stanley Bernstein: I saw somebody. He was here.

7. Formal Application:

**Westchester Residence & Club LLC
Chase Caro/Martin Siefering (Perkins & Eastman)/
David Kamp (Dirt works)/Paul Berte (Schoor Depalma)**

Chairman Cosentino: Alright, Westchester Residence.

Chase Caro: Do you want me up there Chairman Cosentino?

Chairman Cosentino: Yes, just identify yourself for the record and come on up,

Stanley Bernstein: And, if you have business cards, would you kindly give them to Susan?

Chase Caro: I don't know if it would be convenient for you or not, but I have a player's list, just so you know whose in front of you if you want it. My name is Chase Caro of Caro & Associates. I represent Westchester Residence Club, the applicant is a successor to Town & Country. We are proposing a facility for 129 units to allow seniors in this area to retire here instead of moving to Arizona or Florida. I believe we've given all the applications in and fees are all paid. The proposal is for an adult living community on an 18-1/2 acre site with an easement of an acre and a half, more or less for town purposes, to camp, to hiking trails or whatever the town wishes. The plans for this have been drawn up to be as consistent as possible with the natural appearance of the project so to not look like a monolithic structure and we have Perkins & Eastman with us to give you a virtual tour, and then we're available

to answer any questions that you may have regarding this project. This is Mr. Martin Siefering from Perkins Eastman.

Whitney Singleton: Chase, before you start this up, could you kind of help remind the Board members to the extent that any of them were not present at the conceptual, what the occupancy is of this structure.

Chase Caro: It's 129 units. The maximum occupancy could not exceed 163 if it were full and if everybody that wanted to double had a living spouse. And that's essentially it.

Chairman Cosentino: Do we want to hit the lights here?

Martin Siefering: Good evening everyone. My name is Martin Siefering; I'm an architect with Perkins Eastman.

Vice Chairman Sturniolo: Could you speak up louder toward the microphone please?

Martin Siefering: My name is Martin Siefering. I'm an architect with Perkins Eastman Architects; I work out of our New York office. We have a practice that specializes in the design of senior living environments across the country, and bring that experience to the project. We also have David Kamp, landscape architect, who specializes in the design of environments that are focused to healing and wellness and integration with nature. Just to give you a little bit of background. Some of you probably know this very well, and I won't spend a lot of time. So this is Kisco Avenue here, Holiday Inn back here, the Saw Mill. So this is the site, water tower right there. So, this is sort of the target is here with the general business district in this area downtown. More specifically, this is the Saw Mill again, Kisco Avenue, and this is the 18 acre parcel. This is the auto dealership here, just as a background. When we began working on the project we wanted to take a slightly different approach. The history of providing housing for seniors is one that takes a very institutional attitude about protecting them from nature and the natural elements, and there's a real shift in seniors today and they want to be more involved and more connected to the natural environment. And we wanted to create both a plan and a landscape design and an architecture that brought the two closer together rather than pushing them further apart. So, we'll try to show you how that works in a variety of different ways, both in the site design, and in the architectural some specific things. Let me give you a quick introduction to the way the planning works. This is Kisco Avenue here, and we have a considerable amount of topography to overcome from here up the hill; most of you are going to know that there's a lot of topography stepping up that hill from Kisco Avenue. So we have Switchback Road that gets us up the incline, and the main entrance is around in the back of the, I shouldn't really say the back, it's the front of the building, but it's the back away from the street. And one of the things we worked at is sort of a layering of landscape both to screen the building and also to create views and vistas from inside the building. The parking is in two areas. There's a small amount of surface parking here, and the majority of the parking is underneath the building, which you access on this end and this end. The building's really is broken into two pieces; there's one here and one here, and in the middle is a small section of where the public spaces are. So this is actually what amounts to a two-story building and these are three on these two ends, so the lowest piece of the project is in the middle of the building. We're trying to keep the scale of the project down and break it into two so it's perceived as being smaller than it is. David do you want to....

David Kamp: What we'd like to do, can you all hear me clearly from here?

Chairman Cosentino: Yes, come on up here.

David Kamp: What we wanted to do, are walking you through the site and really begin to explain how the landscape works with the architecture on the site itself. And we want to start actually right down on the roadway. We developed a series of goals when we started thinking about the landscaping and working with Martin's firm is, one is looking at a vernacular landscape; materials that would feel like they belong. Materials that in a sense are even native to Westchester County or in a sense are part of vernacular, and we wanted that to start right at the beginning and in a sense take that same idea of a cohesive landscape right from the entry all the way, let's call it the roadway entry, all the way up to the main entry into the building itself. We want to start down here, because the idea here was to begin to introduce that idea that you'll see repeated again and again as you work your way up the hill. And this was an area that we saw as something quite vernacular; stone walls, orchards, and the idea of terracing. We want to talk for a moment, and Martin talked about that for just a second, this grade change. We have about 145' from the roadway down here to actually the elevation of the main entry here. One of the things that we began to look at is how that roadway would work with the terrain, and then how we began to use the landscape materials in that terrain itself. The next slide shows a little bit more closely this section right from here, from the roadway to this point right here is from the roadway to where the switchbacks end and the grade goes basically on up along the

side of hillside here. This is about 75' from here to here, actually no, about 70'. Then 75' from here up to here. What this section tries to show is the idea of layering materials, and we're using both deciduous as well as evergreen materials for a couple of reasons; partially for aesthetic reasons, but then also for very strategic reasons. The idea of changing colors, having season but then using evergreens to help create this veil so that as you see the roadway here, a switchback, switchback, switchback, we're using the plain materials in between to help create that sort of veil. As we're working our way up the hill, one of the things we began to look at is where we can keep existing plant materials, and how those woodland edges can be treated. We wanted to use smaller scale materials, things like redbud, dogwoods, things that in a sense grow naturally along the wood side, so that as we do have to clear for the roadway we soften that edge and we developed here naturally just by bringing up a couple of character images along the side. This in a sense would be the sort of typical condition along the actual woodland edges here. One of things we also tried to do, that there's a series of retention basins along the hillside here, is to keep strips of existing trees in between. This view, was what we wanted to do was to begin to use the trees again that you would see through trees to trees to help create the sense of a special veil that in a sense would work it's way up. And then we're also going to have open areas that are going to be part of the actual retention basins. That's where we wanted to develop a series of native grasses, in a sense from both up above and as you approach the road, as you're coming up actually along the roadside, it looks like a meadow. That by using a series of native grasses we can in a sense create the retention basins we want and still have it to be a nice aesthetic feature since so much of the building will look down on that feature.

Martin Siefering: A kind of casual, informal ness of the landscape also kind of carried over to the buildings here, and if we start from the left, sort of this is maybe the first place where you see some of the buildings. I think that it's highly likely that there won't be any one place that you can more than a little piece of the buildings because of the way the trees, existing trees are being saved and where we're filling in between them. When you're looking up the hill at something it's very easy to screen that view, we don't need tall trees to screen that view completely. And I think at best from the bottom of the site you're going to see just tiny little glimpses of a roofline here and there. You're not going to get any large piece of the building.

David Kamp: One of the other things we looked at is this mix of deciduous and evergreen materials. And we've been talking a lot about color, both seasonal colors as well as how that color reflects into the architecture itself. We developed a palate of materials that includes a couple varieties of oak, a couple varieties of maple, hickory, which is wonderful tree that you just don't see that much. It's something that we'd like to reintroduce to the site itself. But drawing upon the existing materials, there are a couple varieties of maples that are up there and I think some oaks, but really draw upon native materials. Materials in a sense that really belong to this area. And this idea of color is something that Martin is beginning to think about as well beside the architecture.

Martin Siefering: I like it to look at a building palate of materials and color that are more of nature rather than being defiant of nature. Looking at colors that settle into the landscape like reds and natural cedars. And we kind of pulled this just to give you a sense of what you could do with three different colors. This is not what we're thinking about in terms of architecture.

Chairman Cosentino: Gentlemen? Can I just say something at this point? We need to, in all fairness, we like what we're seeing here, but we need to give you a lot more time than we can allow you tonight. It's important to us that we do that. It's important that we give you more time on an agenda and we'd give you an hour, hour and a half, or whatever. Unfortunately, tonight we have an agenda because we don't have any; we have the one meeting in August and one meeting in September. So it's difficult for us to cramp this all in for tonight. What we'd like you to do is just go through this very quickly and I want to put you on an agenda where I can allot you and am fair to you and give you much more time than we normally do to a client that we feel is as important as that. Otherwise, we're not going to get out of here until....

Martin Siefering: Okay. We're going to move fairly quickly.

Chairman Cosentino: So maybe in about ten minutes we can just...

David Kamp: Yes, easily.

Chairman Cosentino: And, I apologize but...

Martin Siefering: We all have our restraints.

Chairman Cosentino: Well, we want to give you more time, because it's an important project for the Village and we just want to see it, but we just need to give you more time to do it.

Vice Chairman Sturniolo: And there's a lot of submission material here, over and above what we're looking at.

David Kamp: Okay. We'll walk through pretty quickly on this.

Chairman Cosentino: Take another ten minutes and then we can...and I promise you, I'll put you on an agenda where we'll give you a lot more time to go through it.

David Kamp: Just briefly, the idea of using a variety of native evergreens here, white spruces.

Martin Siefering: Trying to find a more casual and informal way of masking the buildings rather than the rigid formal on the bottom, so what we're really after is something that's more like the top, which is looser and less rigid, so it fits more gracefully on the site. And looking for a more simple and elemental form, and by simple, these are all projects, all houses that come from Westchester, we're trying to get to this group, which is the simple, actually these are typically more colonial and in period, and less ornamental and heavy; something that sits on the landscape more. These are very beautiful buildings, but we'd like to look at something that's closer to nature. A period when people are closer to nature. Roof scaping is very important on a project like this. It's perhaps as important as landscaping in some ways, other than the fact that you can't touch them, so we'll work pretty hard to have the roofs have a character too because it is a lot of what you see. This is sort of an idea about how much one of the pieces of the building you would see here. We're trying to maintain some domestic character, but not doing it in a traditional, literal way. And we're trying to look for a way that integrates the buildings and the landscape together very closely. And looking at ways to use texture and material to create richness. When you get close to the building you want something more than just the roofs and the shapes; you want something that's real, and you can, you want to touch and experience. So we'll leave you with that image as a sort of relaxed and casual way to end the presentation.

David Kamp: Thank you.

Martin Siefering: I have two copies, two hard copies of that if you would like.

Vice Chairman Sturniolo: I think if you would leave those with Susan, and Susan just for Nancy.

(Chairman Cosentino – left meeting 9:35)

Doug Hertz: Tony, if I might, can I just react to one thing while it's fresh?

Vice Chairman Sturniolo: Sure.

Doug Hertz: Obviously, as you're drawing up plans and at the moment, as one Board member I'm less concerned, and this was brought up, your view of the building as you're driving up. I'm personally less concerned about the view from Kisco Avenue, you're on a turn; no one's driving by looking up. Either that or you're planted in Sam's new facility. What we are going to be very concerned about is what that facility looks like across the valley. You're going to have to use your 145' it sound like ground floor above Kisco Avenue, so that will be visible from a lot of locations, up the hill, on the opposite, you know, across from Target and above. So screening of the building and once it the building from that height is going to be far more important to the Board than what it looks like down from Kisco, because obviously you're set way back, you've got hundreds of feet of roadway, switchbacks, a lot of things interrupting that; at 145' up across the valley you're not going to, so that's going to be of paramount importance to us.

Vice Chairman Sturniolo: These plans will be drawn up consistent with that concern. Would you like more detail on that? He can...

Doug Hertz: Sure, if you have it.

Patrick Hewes: Very briefly again, Patrick Hewes from Saccardi & Schiff Planning and Development Consulting. To your specific comment, the environmental review that will occur in this overall process will definitely include visibility from the elevations to the east you described, and that will be part and parcel with all of the various environmental questions that we will address, topography visual, impact to traffic, all of those will be a part of the environmental overview, there's no question. And at that time there'll be

opportunities to analyze visually and with maps those exact questions of the site lines and the impact of the development in relation to the landscaping.

Chase Caro: Now, I'm presuming, requesting, I can't see that you would have an objection, and this is your concern, this panel be the lead agency that you give notice and become the lead agency for.

Doug Hertz: I'll defer that.

Vice Chairman Sturniolo: Agreed. However, to pick up on Doug's point and I don't want to belabor this point, but one of the areas to take a visit to is the top of Knowlton by the Exxon gas station. Top of that hill, then look across toward your property and that's one of the vista areas that we would want to see highlighted.

Doug Hertz: And one of the things we've done for other applicants that developed Premier and Curtis was to identify the certain locations across the valley and to do photos of what would be visible there, particularly in the gardens. With this application you're talking about building larger than even a proposed zoning would allow, longer. You're proposing getting a variance from the ZBA

Patrick Hewes: We're actually proposing, particularly to have the zone changed and the language within the zone change done

(Multiple people speaking)

Patrick Hewes: ...to exceed the current 150' maximum length of the building.

Doug Hertz: But obviously, because of the length of the building and you're stated desire to break it up, so that here would not be an appearance of a single huge building, and how it would exactly appear across the valley as being a series of smaller units and how landscaping effects that is going to be critical.

Whitney Singleton: Be prepared to address that if you wish...

Vice Chairman Sturniolo: Whitney, with this proposed zone change and extending the building in length greater than what the proposed zone change would allow, does that set any type of precedent for any other applicant in the same identical zone change, in the same identical zone, the PRD?

Whitney Singleton: Yes. Obviously if it's permitted by the zone it would set a precedent if we would allow it. However, as the Board may recall, there are currently only two PRD sites in the entire Village, both of which have some prior projects the fallout for the people who live...allowing this, at this point in time we'd be looking to the site. Alternatively the Village Board in reviewing text changes and be reviewing any recommendations that you make may say that we don't like that idea, we would allow it only a case by case basis that includes another variance, it all depends...you have tremendous amount on this particular application. There are many moving parts here that we're going to formulate this and approve comprehensive idea of what you'd like to see on the site over the coming months.

Vice Chairman Sturniolo: Okay, thank you.

Joseph Morreale: I had a couple of things. One is that I find it interesting that you're going to have three-quarters of the community be single people, the way you described it. You said 129 units with 163 occupants that are about a quarter of them will be....

Chase Caro: We're working off of the statistical averages done by Life Care, which will be managing this project. They are the largest in the country and they find that the average age on move in to a facility like this would be something like 78, and average length of stay is about ten years. And we're working off their numbers; they have a large database, for how many people actually have spouses that they wish to move in. People other than spouses would not be allowed to share.

Joseph Morreale: Okay. This is assisted living?

Chase Caro: It is living with some assistance. It is not nursing home level of assistance, its people who need some care, some transportation issues, meals will be available on site, that sort of thing. It won't be the heavy duty nursing care. At that age they will have moved to another facility.

Joseph Morreale: Right.

Patrick Hewes: To add to that, the use is an existing use in the code, but our proposed use fits into and under the senior enriched independent living housing use **(inaudible)** in your code.

Joseph Morreale: Okay. Because I was sort of leading to another question about transportation. Are we envisioning vans going up and down, are we envisioning single cars? What are we envisioning?

Chase Caro: There would be a shuttle generally I would guess twice a day. Mr. Brusell I guess can address that in more detail if you'd like, to take people down to the town to shop, but the number of people who want to leave the facility is not, in the experience of life care, is not generally a large number. The bulk of the cars will stay underneath the building in their assigned slots 90% of the time. Less than 10% of the cars in a facility on an average week move. You're not going to have, these are people who want to own their car, they're not ready to hang it up yet, but realistically they're not driving everyday.

Joseph Morreale: The reason why I asked it was the traffic, because you could potentially have 129 cars here, but you're saying no.

Chase Caro: I'm saying that Life, who'll do the traffic analysis, Lifecare finds that a small percentage of the cars in the facility like this, people want them placed underground and leave them there. Or if they have a major trip, if it's Thanksgiving or something like that, but they're not used everyday.

Joseph Morreale: I won't belabor the point, but it will be interesting to see the traffic study. Okay, go ahead.

Vice Chairman Sturniolo: Any other questions?

Stanley Bernstein: Yes, Mr. Chairman, can I talk about the EAF or are we limited for time?

Vice Chairman Sturniolo: Well, the Chairman said that we'll schedule you on another meeting to give you a greater amount of time to do your presentation. And I assume that's acceptable to you?

Chase Caro: Sure.

Patrick Hewes: Sure.

Vice Chairman Sturniolo: What I'd like to do is hold off on picking the date tonight, but we will get back to you very, very quickly in a couple of days as far as when that date will be. Stan, you had a couple of EAF questions?

Stanley Bernstein: Yes, well I didn't want to take up too much time, but there are a few things that have been disturbing me. There is one item here of 40,000 cubic yards of excavated rock and there's a negative sign in front of it, does that mean that is the only amount that is going to be removed, or is that the total excavation?

Paul Berte: The negative sign refers to what we're right now planning as an export off the site.

Stanley Bernstein: Exporting.

Paul Berte: Yes.

Stanley Bernstein: The total amount of excavation is not shown there. In my calculations I come to at least double.

Paul Berte: There's a series of retaining walls that...

Stanley Bernstein: Yes, yes, I'm aware. You're going to have to use the rock. Just to put 40,000 cubic yards in perspective, that's 3,013 yard trips. You're aware of that. Now, there is another question on water. You may have made a mistake, I certainly hope you did. 125,000 gallons a day. That's a mistake isn't it? Because that figure is 129 units that figures to 970 gallons per day, per unit.

Paul Berte: Obviously, that's a mistake.

Stanley Bernstein: And it also includes...

Paul Berte: That might include irrigation in there.

Stanley Bernstein: Ah! Irrigation. Think no irrigation. Think no irrigation. We have a very bad problem in Mt. Kisco with water, and all our other infrastructures, but mainly water. Bear that in mind please. Also, I have a lot of questions, but I'm going to hold it until we meet again. That's the title of a song, you know. You say 18-1/2 acres, one phase. Think four phases, seriously. Think four phases. We've had an awful lot of construction right there on Kisco Avenue and Kisco Mountain, and more often than not, during a heavy rain half of the mountain is on Kisco Avenue. So, you think more than one phase for 18-1/2 acres.

Paul Berte: That in question, then you may confer with me, but that is considered phasing of the project. There will be sub-phases, because we're limited to five acres...

Stanley Bernstein: Sub-phases.

Paul Berte: Five acres of disturbance at any one time to comply with the PEC. But we're not intending to build half the building now and half the building later.

Stanley Bernstein: Right. Okay. And have you determined how many trees are going to be taken down for 11 acres of forest?

Paul Berte: We have not.

Stanley Bernstein: Okay. You're going to make a tree plan. You're going to point out each tree, number every tree, show them on a plan, what's to be saved and what's to be taken down. Is that correct?

Paul Berte: Those are the kinds of details that we'd like to work out with...

Stanley Bernstein: Those are the kind of details that this Board always insists upon in a project of that nature, so that's what you're going to have to do.

Paul Berte: Okay.

Stanley Bernstein: I have a lot more, but I'll defer. Do you want me to make my motion?

Vice Chairman Sturniolo: No, not yet.

Stanley Bernstein: Okay.

Vice Chairman Sturniolo: In the storm water pollution prevention plan, on page two at the bottom, has DEP received this yet?

Paul Berte: Not yet. We're waiting for some input from the town before we apply to the DEP.

Vice Chairman Sturniolo: Okay. At the bottom of page two, the last paragraph, it says the proposed two storm water extended detention basin will perform the dual function of mitigating post-develop and peak run off, as well as providing the necessary and attenuation to meet the criteria set forth, your words, by New York State Department of Environmental Protection and New York City Department of Environmental Conservation. I think you want to correct that before it gets sent out. Nanette, at this point, should we be thinking about the lead agency status of this project?

Nanette Bourne: I think it's a good idea just to review the steps that will have to go to the Planning Board through to move this project forward.

Vice Chairman Sturniolo: Okay.

Nanette Bourne: Obviously the applicant has submitted an application that has a number of approvals required by various involved agencies. Those would include the Village report where the Zoning and ...

(Door was open – loud vehicle passing by making Ms. Bourne inaudible)

Nanette Bourne: Planning Board for the site plan, natural resource disturbance permit, and subdivision, New York City Department of Environmental Protection for storm water, there might even be some others, but those are the ones that occur to me right now, and it has to be determined who would be the lead agency, who would be the ones that actually shepherd or watch this project through the SEQR process. Right now the applicant has submitted one part of the environmental assessment; it is customary in Mt. Kisco, but actually contrary to SEQR that the applicant submit the part two, which looks at the

determination of significance, which is what the lead agency uses to determine whether or not environmental impact statement can be done. That doesn't necessarily have to be done and submitted in order to determine the lead agency. It is atypical for the Planning Board to start a project this big off with a notice of intent, but there's nothing wrong with you doing that. And the only thing that I see **(inaudible – noise)** maybe to the next meeting is by letting you kind of absorb the size of the project, but it could be that the presentation that they made tonight is essentially what you heard at the conceptual. You may be comfortable doing that. I don't have, and just because it's not typical for the Board, doesn't mean that it's wrong. If you choose to go forward with it, we can send out the notice of intent making a few modifications to part one, but there might be modifications clarifying the water, they identify OSHA as an involved agency and they're actually not an involved agency. A few ...

Vice Chairman Sturniolo: Housekeeping type chores.

Nanette Bourne: Housekeeping things, but there's nothing wrong with moving this forward.

Vice Chairman Sturniolo: Tonight.

Nanette Bourne: Tonight.

Vice Chairman Sturniolo: Whitney, do you want to add?

Whitney Singleton: I have no objection to that.

Vice Chairman Sturniolo: What do you think?

Joseph Morreale: I have a question. If we move it forward, the clock starts to tick right? It doesn't...

Nanette Bourne: What happens is that you would submit it to the other involved agencies and they would have a period of time to report back whether or not they have an objection. So again it would be the Village Board primarily and DEP and, you know, within 30 days they will either say they have no objection to the Planning Board being the lead agency, or they would object.

Vice Chairman Sturniolo: Mike, do you have anything you want to add at this point?

Michael Stein: Not at this time.

Vice Chairman Sturniolo: Mr. Bernstein?

Stanley Bernstein: Go ahead with it. I move that we declare the Planning Board of Mt. Kisco, I move that we declare our intent to be lead agency and notify all interested...

Nanette Bourne: Involved. Notify all involved.

Stanley Bernstein: ...All involved agencies.

Vice Chairman Sturniolo: There's a motion before the Planning Board by Mr. Bernstein, is there a second?

Doug Hertz: I'll second the motion.

Vice Chairman Sturniolo: A second by Mr. Hertz. Susan would you kindly poll the board?

Stanley Bernstein: Aye.

Doug Hertz: Aye.

Dr. Morreale: Aye.

Vice Chairman Sturniolo: Aye.

Board All Ayes on the motion for Lead Agency in the Westchester Residential Club Application

Vice chairman Sturniolo: Thank you gentlemen. And again, in a couple of days we will get back to you with a rescheduling date to allow you more time. Are you comfortable with that?

Paul Berte: Yes sir.

9. Formal Application
John's Best – 353 N. Bedford Road
Application No. PB2006-16
Mario Sandolo, applicant/Theodore Strauss, architect

Vice Chairman Sturniolo: Thank you. Next item, John's Best Restaurant, 353 North Bedford Road. This is an application for an extension of a renewal of prior site plan approval. This is the site plan, and we also in front of us have minutes from the Planning Board Meeting on September 9th and also on March 9th, the first one was '03 and the second one was '04. Mr. Strauss.

Theodore Strauss: My name is Theodore Strauss. I'm the architect representing John's Best.

Vice Chairman Sturniolo: And again, if you have a business card or cards, if you would be kind enough to give them to Susan before we start.

Theodore Strauss: Mr. Chairman, as you mentioned, you do have in your packages copies of the minutes from the original approval of 1998, a copy of which is in front of you, and that was approved by this Planning Board. Secondarily you have an updated approval of exactly the same site plan in 2003. And you have minutes attesting to the approvals that you had that were done at that time. We are before you this evening to request a furtherance of a renewal of that approval of identically the same site plan. And that is our request this evening.

Vice Chairman Sturniolo: Where do you stand in relationship to going to the DEP having a conversation with Penny Kelly and then referring back to Nanette Board, the Village Planner, where is that, has that taken place as of last Friday?

Theodore Strauss: Yes, and if I may elaborate on that?

Vice Chairman Sturniolo: Sure.

Theodore Strauss: In your packages you also have the original approval from DEP, not only by drawing, but also by letter. I had personally brought down to DEP on Friday an updated application for renewal to Ms. Kelly, I met with her, and I must tell you that a very strange thing occurred. And the strange thing that occurred was that when I came in they had a huge exhaust fan there, and unfortunately, the roofer was putting a new roof on the building and whatever adhesive he was using was of a toxic nature. This is DEP with a toxic issue. Anyway, the bottom line was we met, we reviewed everything. Everything seemed to be in order. Ms. Kelly said to give her until Monday to review and she would update the renewal of approval.

Vice Chairman Sturniolo: This past Monday you're referring to?

Theodore Strauss: Correct, yesterday. Unfortunately, when I called on Monday, there was a message they had, everybody was not in work, nor was anybody in work today. So unfortunately, it was impossible to get back in touch with her.

Vice Chairman Sturniolo: A DEP holiday or....

Theodore Strauss: No, it was DEP days off because of the toxicity in the building. So that is the status and as far as I know from my discussion with Ms. Kelly, everything was in order and it was a matter of her final review and there would be issued a new DEP approval for this project. Based on that, if the Board would respectfully do so, grant this approval subject to the delivery of the DEP reissue of approval.

Vice Chairman Sturniolo: Has anybody contacted Ms. Bourne to update her on the status of the exhaust fan, the toxicity, all of that stuff?

Theodore Strauss: I doubt it, because nobody was in the DEP office, nobody at all. They had just.

Vice Chairman Sturniolo: No, I mean from your team.

Theodore Strauss: Oh, from my team. No, unfortunately no. No. I had tried all day yesterday and all day today, thinking maybe somebody would come in, but that did not occur. I will try again tomorrow morning and obviously as soon as I get a response I will be in touch with Ms. Bourne.

Vice Chairman Sturniolo: This plan that's sitting in the DEP office, it has the new engineering concerns?

Theodore Strauss: Everything, yes.

Vice Chairman Sturniolo: It has parking on it?

Theodore Strauss: Correct.

Vice Chairman Sturniolo: Size of parking spaces?

Theodore Strauss: Correct.

Vice Chairman Sturniolo: It has the new blacktopping?

Theodore Strauss: Correct.

Vice Chairman Sturniolo: Concrete curbing?

Theodore Strauss: Correct.

Vice Chairman Sturniolo: It has everything that we're hoping to see?

Nanette Bourne: **(inaudible)**

Theodore Strauss: Excuse me?

Nanette Bourne: It's for 2003?

Theodore Strauss: That is correct, yes.

Nanette Bourne: Mike, can you look at this?

Theodore Strauss: Mr. Stein, you have not seen this?

Michael Stein: I haven't had an opportunity to look at it yet though.

Theodore Strauss: Oh, I see. I believe you did get a package though, didn't you?

Michael Stein: Yes I did. I haven't had a chance to take a look at it.

Nanette Bourne: One of my questions has to do with the issues to the handicap parking stalls that I; I don't believe that they comply with the Village's independent parking **(inaudible – loud noise)**.

Doug Hertz: I was going to bring up the same thing.

Theodore Strauss: I will check that but it was previously approved in '03...

Nanette Bourne: And it was changed since then, and that's why I think it's important, there are a few small things that have changed that the Village mentioned here needs to be looked at.

Theodore Strauss: If I may contact you and Mr. Stein I will make sure that those are addressed.

Nanette Bourne: I don't think it should affect the DEP.

Theodore Strauss: Not at all.

Nanette Bourne: It is, like you say.

Theodore Strauss: Fine.

Vice Chairman Sturniolo: Doug, do you have any thoughts?

Doug Hertz: No, I was going to bring up the same question that all the other spaces look compliant, the handicapped does not look compliant. That got changed last year right? Or this year even.

Vice Chairman Sturniolo: Stan.

Stanley Bernstein: No, I have nothing on this.

Whitney Singleton: Mr. Chairman, I just have one question. Dating back several years I see that the area map shows the site as being, this is the project site. And the project site is actually inclusive of more than what you are identifying, is it not?

Theodore Strauss: I'm sorry. The project site...

Whitney Singleton: We view the project site as being that wide. I recall something having gone on in the past with regard to a re-subdivision or reapportionment....

Theodore Strauss: With new plans the engineer's the one that got that out, he did that.

Whitney Singleton: is this part of the site? Is that part of

Theodore Strauss: This is no longer part of the site. It was unimproved and **(inaudible)**.

Whitney Singleton: But it's being shown as part of your site plan. What I'm trying to figure out is, for purposes of building coverage and development coverage; I just wanted to make sure that we're looking at the proper delineated site.

Nanette Bourne: So, if this isn't part of your site, it needs to reflect what your true site is.

Theodore Strauss: Okay.

Whitney Singleton: That just needs to be updated, that's all I'm saying.

Theodore Strauss: That would be updated along with any other revisions.

Vice Chairman Sturniolo: Beside this document that's sitting in DEP, does anybody else have a copy of it in Mt. Kisco?

Theodore Strauss: No, not that I know of.

Nanette Bourne: When you're updating this, make sure that your zoning tabulations are updated as well.

Doug Hertz: Correct me if I'm wrong. You implemented some of these improvements, right? The front patio, the landscaping.

Theodore Strauss: That is correct.

Doug Hertz: But not the addition.

Theodore Strauss: Not the addition in the rear.

Doug Hertz: Was the front patio and landscaping part of this approval or the approval prior?

Theodore Strauss: An approval prior.

Mario Sandolo: It was all continuous like, it was part of that.

Nanette Bourne: Can you identify yourself?

Mario Sandolo: Mario Sandolo.

Doug Hertz: Alright. I'm just trying to get clear. There were two approvals or there were...

Mario Sandolo: No, the original approval was one. It was all part of....

Doug Hertz: This '03 plan that we're looking at was approved, sometime just after that this plan was submitted. There was an approval that's being referred to as, when was the approval prior to that?

Mario Sandolo: 1998, right?

Theodore Strauss: Right.

Mario Sandolo: '98 was the whole project. We did the front part, then for reasons we didn't continue with the back.

Vice Chairman Sturniolo: And that was post...

Mario Sandolo: Post '03. The same...

Doug Hertz: Same thing, but again you didn't build.

Mario Sandolo: Yes.

Doug Hertz: Okay, alright.

Vice Chairman Sturniolo: So, we're back to DEP. Mr. Sandolo, as you know, you've been in front of us for a while with this application. And the Planning Board, just like any other applicant out there in the audience, we want to work with you to make this happen. But there's been a series of delays for whatever reason, and now we have another delay because of the chemical invasion in DEP's office in Valhalla. We need to find out tomorrow morning from the DEP, one, are they open, two, the status of the review, and even if they're not open and even if they don't know the status time of their review, would you please call Nanette tomorrow to update her, even if there is nothing new to say, but just so we all know that ...

Theodore Strauss: There's continuity, yes.

Vice Chairman Sturniolo: Well, one, that there's continuity, and two, that you're trying to make a concerted effort to get this thing moving.

Theodore Strauss: Absolutely.

Vice Chairman Sturniolo: I mean, because we're literally one step away from DEP saying well, next thing is well the dog ate the plans, you know like the old dog ate the homework kind of a thing. So, in either case, a phone call needs to take place tomorrow, even if there is no concrete information to give. Once you and Penny Kelly talk, what would you suggest the next step would be, with Mike's input.

Nanette Bourne: Yes, with Mike's input the plans are revised, they would need to be revised by the...determine the 23rd? Ten days in advance.

Vice Chairman Sturniolo: Correct.

Nanette Bourne: September's meeting. We get a green light from DEP to revise plans that reflect the correct property deed, revise the tabulation, the revised striping and okay from Mike. You can gear it up; I can draft a resolution for the September meeting.

Vice Chairman Sturniolo: That would be the work session.

Nanette Bourne: That would be the regular session.

Vice Chairman Sturniolo: That would be the regular session on the 12th, which means the cut off date is the 23rd of August. But most importantly there needs to be a verbal conversation between Nanette and Penny.

Theodore Strauss: In any case, I will call Ms. Bourne tomorrow and let her know whatever the status is.

Vice Chairman Sturniolo: Again, to repeat myself, no matter what the status of it is. You know, I mean it's a wonderful day, it's 85 degrees out; I have nothing to tell you, talk to you real soon. Mr. Sandolo are you comfortable with this scenario?

Mario Sandolo: I was hoping I would get some kind of a building....start to do some of the work, because now we're going into September, November, you know....that's what I was hoping for.

Vice Chairman Sturniolo: We can't say yes predicated on a positive result from DEP. That's far too dicey. And we want to work with you and not be an obstruction to your development and your plans, but we need to get this moving from the DEP, and without going into a lot of history in detail, we know how long we've waited for that alleged letter from '98 from DEP to finally surface, and you know, it's been going on.

Doug Hertz: One other thing. Property owners along this long, we've been talking about putting in a safety barrier along the rear. Is this property; would this have the same situation?

Vice Chairman Sturniolo: No, because that back part is not going to really be used by, it's not going to have a lot of parking in it, as opposed to, I know you're referring to another

applicant where there's only a limited amount of parking spaces, and the majority of those parking spaces are in the southerly part of the property.

Doug Hertz: Okay. I'm just seeing, you know, steep grade to this point to rear property line indicated...

Mario Sandolo: That is a natural....

Vice Chairman Sturniolo: A fence? Not a fence, a swale.

Doug Hertz: A swale.

Vice Chairman Sturniolo: In other words, I think it would be

(multiple voices speaking at once)

Mario Sandolo: No, that is already there, a natural hill like, and the trees would grow...

Vice Chairman Sturniolo: It would stop at the cars. If your brakes fail or somebody...

Mario Sandolo: That's been there a long time. It's not flat.

Joseph Morreale: Mr. Chairman, do they need to provide a final site plan?

Vice Chairman Sturniolo: That's exactly what Nanette was outlining; that'll encompass everything. Do you have any questions of us? I'm not being cute, but to make sure that we are all...

Mario Sandolo: I'll make sure that everything will be answered, that we don't come back with other questions.

Vice Chairman Sturniolo: And it starts with the phone calls tomorrow.

Mario Sandolo: And we'll come back and other questions arise.

Vice Chairman Sturniolo: And you'll be on that agenda.

Mario Sandolo: Thank you.

Vice Chairman Sturniolo: Thank you. John, how long do you think your presentation takes?

John Slaker: I'll give you five minutes of my verbal, unless you've got questions for me.

Vice Chairman Sturniolo: Alright. Next on the agenda is Lexus, 275 Kisco Avenue.

10. Continued Review:

**Lexus – 275 Kisco Avenue
John Slaker, Landscape architect
Roland Baron, attorney for the applicant
Gary Gianfrancesco, architect
Sam Scatterday, president of Lexus**

Roland Baroni: While you're doing that John, let me thank you for allowing us on tonight's agenda. I know it was short notice. We did want to inform you that we did receive approval from the Zoning Board of Appeals for the needed variance.

Vice Chairman Sturniolo: Roland, excuse me. Would you mind just identifying yourself for the record? And again, give Susan business cards.

Roland Baroni: Roland Baroni. And we also received architectural review board approval at their last meeting. So we have submitted a fully detailed plan now to DEP and we're working on our storm water management plan and we wanted John to be able to present to you his refinements to the landscaping plan.

Vice Chairman Sturniolo: As we all know, DEP's offices have been closed for a couple of days and we hope that doesn't impact the sales of Lexus... Anyway, John?

John Slaker: Okay. As you know, and I think was presented to you before, the storm water basin is going to be constructed along Holiday Inn Drive, which is along the curb and around the back to Kiskon Drive. What we've tried to do in grading is create a berm which is

about 2-1/2 feet high, it rolls up from the grassed area at the property line, and then goes down into the basin. The bottom of the basin with the testing that's been done is probably going to be wet for most of the time because the ground water level is at about 92, 92-1/2. So all we tried to do is work with that and create a basin in the bottom with not just the seeded mix of, a seed mix that will grow in such a condition, but actually do planning of hedges, Iris, different types of plants that will grow in the various conditions that are going to be created there. There are some deeper water areas, which in those places we're going to plant pickle rush, things that will survive with two, three inches of water at all times. What we then tried to do, is along the roadside, is create a little bit more formal look with the planning continuing with the pin oaks that we were proposing in the back, continuing planning the pin oaks along the drive, come up with some of my famous day lilies, in this case I'm using happy, I'm using happy returns now.

Vice Chairman Sturniolo: Where you going to work the Stella Doros in the front?

John Slaker: If you want them, I'll change it. We do have some in the front. Some lariope, some grasses, mysanthus, as we roll up the berm, so it's a little bit more formalized. Behind it and over the berm we're going to use shrubbery that would normally grow, be conducive to a natural wetland. We've got, if I can remember all of them, we've got some arborvitae, we've got clethra, we've got Virginia sweet spire, arrow-wood, viburnum, witch hazel, to create a very natural wetland, and this is what this will end up being in time, because we have wet bottom and will work to filter the water as is required, but also be a natural amenity to the site. You won't be looking as you drive down Holiday Drive, you won't be looking down into it, and you're going to be seeing this rolling berm with plants along the top. I know there are a number of evergreens, older mature pines that are out here. So what we tried to do is also introduce some evergreen in here so we can keep that look on the flat side, or the uphill side of the landscaping. So we were going to plant a considerable number of Norway spruce in groupings. Along the back side of this we proposing to plant October glory maples, which would again be another layer, so as you look up you're seeing this in layers, this is a higher elevation than the top of the berm, so it rolls up. So the entire area other than the lawn that would be immediately along the edge of the parking in here, and out along the right of way, the rest of it is intended to be totally shrub bed and planted with plant material.

Vice Chairman Sturniolo: Approximately where are the existing pines now in that back corner?

John Slaker: There are some over in here, and there's a grouping here. I know there's some down in the corner. They're scattered. There's pine and there's also some...

Vice Chairman Sturniolo: But the real tall ones...

John Slaker: The big tall ones I think are right on this turn.

Doug Hertz: And those are all going?

John Slaker: They're all going. Due to the grading, there's no way to possibly save them. And that's why I've added the Norway spruce here, I've added Norway spruce here, and I've added some Norway spruce, so on the corners on the turn we get the evergreen effect coming back again.

Doug Hertz: Do you know what the grade change is between Holiday Drive here and the parking lot?

John Slaker: I think Holiday Inn Drive if I remember correctly is about elevation 93, 93-1/2, and I know the finished floor of the new building is about 1, 101.

Doug Hertz: So eight feet, is that what you're saying?

John Slaker: About eight feet.

Doug Hertz: And is it about the same on this part of the turn?

John Slaker: It's fairly consistent.

Gary Gianfrancesco: At the closest part of the turn...

Vice Chairman Sturniolo: Gary, if you don't mind just again, your name to the record and a business card to Susan.

Gary Gianfrancesco: Gary Gianfrancesco from Arconics Architecture, P.C. This is where the steepest part of the grade is, right here.

Doug Hertz: Okay. You're thinking it's at least eight feet from this parking surface to the ...

Gary Gianfrancesco: Correct, approximately.

Doug Hertz: Okay.

John Slaker: So this is going down. If this is 93, the mean grade, this goes up to 95, the top of berm, and the flat part of the basin is at about 92. And the deeper holes are at about 88.

Doug Hertz: So then this slope here going to be rather steep.

John Slaker: It's a three on one. It's from the right of way, three to one to the top of the berm, back down are three to one, flat across the back to the bottom, and then up on a three to one to a flat area by the trees. So it rolls up and down on three to one.

Doug Hertz: I'm just trying to envision what we're, you know, as you're coming around what this is going to screen and where the cars are.

John Slaker: I just feel with this amount of shrubbery on this side we've pretty much hidden all the cars. When you're driving you're going to see ...

Doug Hertz: It sounds like it. What's, the low lying shrubs in here...

John Slaker: These are witch hazel, vyburnum, plethora, some of the vyburnum will grow 12 to 15 feet, so will the witch hazel. Below that we have what's call jopai weed, which is a natural plant that grows along the edge of wetlands. We have blue flag Iris, so as you're looking up...

Doug Hertz: Okay, so we're not seeing the bulk of, you wouldn't expect to see the bulk of this parking.

John Slaker: I'll be honest with you; it's going to shield a good part of that building once that material matures. So that's what we're proposing to do for that basin.

Vice Chairman Sturniolo: Nanette, do you have any comments on this?

Nanette Bourne: No. I think it will be refreshing to get a positive reaction from DEP on that.

Vice Chairman Sturniolo: Hopefully. When they get rid of the toxic roof. Mike, do you have any thoughts, or Stan and Joe?

Stanley Bernstein: What about maintenance?

John Slaker: I understand we're talking to...

Stanley Bernstein: Are we talking perpetuity or ten years?

John Slaker: It's something that does have to be maintained so that the weeds do not take over.

Stanley Bernstein: And it has to be constant maintenance over the life of the project.

John Slaker: We've spoken about this.

Stanley Bernstein: And they have to know that and they have to understand this. One area, is that irrigated?

John Slaker: We weren't proposing.

Stanley Bernstein: Good.

John Slaker: We have enough natural ground water. Hopefully it will percolate back up.

Vice Chairman Sturniolo: Sam again, if you wouldn't mind, if you're going to speak I would appreciate...

Sam Scatterday: As far as maintenance, it will be full time on a weekly basis. We just have to have ...

Stanley Bernstein: There are so many projects that start out good and they just forget about maintenance over the years. They look like hell. I can point out, right from this window, I can point out.

Roland Baroni: You're invited anytime to go visit his facility in Greenwich and you would be I think well relieved of that fear.

Doug Hertz: And, just because I don't remember the last version of the drawings. This is stating storm water area one, but we've removed the storm water....

Vice Chairman Sturniolo: And this faces the front so...

John Slaker: One is one in all.

(Multiple voices speaking at once)

Vice Chairman Sturniolo: The one in the front is gone.

Scott Scatterday: The one in the front, Kisco Avenue is gone completely.

Doug Hertz: Okay.

Joseph Morreale: You know John, we've had increasingly torrential downpours, but the weather's been shifting, and I'm just wondering when you set up something like this, what prevents high water levels there could be a variety of issues with that, or spillage over the berms and stuff.

John Slaker: I didn't design the water part of it, but from my knowledge of how it has probably been designed there is an outlet control structure and it's probably capable of handling those extra storms that would be drained into the normal drainage system.

Gary Gianfrancesco: And what you see in plan, which is the configuration of the basin, was sized by John Meyer and now we're going back with John's work and firming up. So we're actually going to increase the capacity of those basins.

Joseph Morreale: But would that in any way lead to a lake effect if you have a really heavy storm?

John Slaker: It will fluctuate. The water will fill in and then recede over a period of time. I didn't do the routing, I don't know how many hours that would take, but there is a control structure with a control orifice I guess of some sort that takes those different flows, and then if it reaches a point it goes over that into the top and out through the pipe. I mean, you know, we do have the situations where we've had flooding in the Village where it has no place to go, but this won't cause that. If anything, this will hold that water back in kind so that the water down stream has the ability to, you know, relieve itself. I know the Village has that problem, I've worked with you many years and it can't get out of town sometimes when it backs up south of here so...

Roland Baroni: That's the whole design, is to keep it...

John Slaker: The idea is to hold it back while that's being relieved, but there is no dam per se that's going to burst, because the top of that berm is a level thing. If the outlet control structure can't handle it, it will come over the top of that berm continuously, it's not going to be a complete like washed, broken away dam. We're only talking something that's about two feet high as a natural berm.

Joseph Morreale: Okay. The other thing is, there's no, the couple of concerns I was thinking about was the mosquito build-up if you leave a level of water in there for a long period of time. Is that a possibility? Or the other is somebody falling into it. Is it deep enough to be a problem?

John Slaker: I don't, and again, I didn't do the design, but I don't think it's intended to flood to any depth more than a foot, foot and a half. That's the intent.

Joseph Morreale: I see; okay.

Gary Gianfrancesco: And I think based on the deep hole test pits that would only be a portion of the basin.

John Slaker: Right. I mean there would be areas here, here and there that would have that.

Joseph Morreale: There wouldn't be a whole lake effect?

John Slaker: No.

Joseph Morreale: Okay.

(Thank-you's all around)

11. Continued Review

David Pasquerella – 23 Kiskon Road

Application No. PB2006-01

Michael Testa, representing the applicant

David Pasquerella, applicant

Vice Chairman Sturniolo: Next on the agenda is David Pasquerella, 23 Kiskon Road.

Michael Testa: Good evening Mr. Chairman.

Vice Chairman Sturniolo: Hi, how are you?

Michael Testa: Good. Since the last meeting we took all the advice you gave us and we went and we hired a landscape architect, which was requested, to try to achieve the goals of coming up Kiskon Avenue and try to beautify it. And as a result, Steven Lopez of Pleasantville, New York, a licensed landscape architect, came up with a plan we feel addresses a whole lot of the visual concerns that previously were not addressed in our previous application. And we'll be planting numerous trees, shrubbery and buffers. In the packet is the actual landscape plans. In addition, we lowered the height at the suggestion of Mr. Bernstein, of the rear fence. It was previously at 5' and we've lowered it down to 4' to try to be a little more compatible.

Stanley Bernstein: I see you have that canopy now.

Michael Testa: Yes, and in addition we also suggested trying to put a canopy on the site, which would improve the front and the side of the structure, and the canopy proposal is in the packet also, which would be a canopy across the front of the garage and the front entrance door, and also in front of the two windows.

Vice Chairman Sturniolo: That becomes an ARB, the canopy?

Michael Testa: That's a good question. It's across the front, it probably is.

Vice Chairman Sturniolo: I'm sorry, go on.

Michael Testa: In addition, we were requested to do some analysis on the bookends.

Vice Chairman Sturniolo: Yes, the photo metrics.

Michael Testa: The photo metrics, which we provided in your packet. And we have supplied a, we actually went out and took readings on July 17th, myself and Mr. Pasquerella, **(inaudible)**, and we believe we've complied with all the standards that the Village sets forth pertaining to the lighting standards in the ordinance.

Vice Chairman Sturniolo: One thing if you would double check with Whitney that in front of the Village Board is a proposed new lighting standard and a new code.

Michael Testa: Yes.

Vice Chairman Sturniolo: Just double check that your numbers dovetail into what this proposed code is. And we've said this to about six or seven other applicants as well that this proposal is....

Michael Testa: Not inconsistent with that.

Vice Chairman Sturniolo: Exactly.

Michael Testa: We took some photos of the actual light, they're small little porch lights.

Vice Chairman Sturniolo: The other thing is the cut sheets on the light I saw, it doesn't talk about...

Michael Testa: Each light, two of the lights have 100 watt incandescent bulbs, the other has a 40 watt incandescent bulb. We contacted the company in Hampton and they will not make photometric analysis for that small a bulb. So that's the reason why we went and did our own hand held metering and we read every single area at 5, 10, 15 and 20 foot intervals, and also we stood away from the light pole that is on the street to try to come up with the foot candles that were evident on site, and we do not exceed no more than one foot candle at the property lines, and the only intensity is directly really over the light itself. It's shielded and focuses itself right out.

Vice Chairman Sturniolo: One of the things in this new code we're going to see is that we always ask for a full cut off picture, meaning keeping the light directed in the direction where it's supposed to go and not illuminate the night sky.

Michael Testa: Correct.

Vice Chairman Sturniolo: So, these fixtures are they glass on....

Michael Testa: They are metal on top and glass on the sides.

Vice Chairman Sturniolo: Glass on the sides.

Michael Testa: There's a close up if you go to the third page. It's basically shielded in a down light type of pattern, and that top shield actually shields their light so it focuses it down.

Vice Chairman Sturniolo: And what is the maximum wattage capacity that the fixture can handle, regardless of what you're going to put in?

David Pasquerella: 100 watts.

Vice Chairman Sturniolo: And you're limited to that because of, obviously.....

Michael Testa: Well, heat on the unit, yes.

Vice Chairman Sturniolo: Okay.

Michael Testa: And the one unit we put over the door at 40 watts was, the reason was because if there was a 100 watt bulb in it, we would exceed the one foot candle over the property line.

Vice Chairman Sturniolo: Because of the proximity to the....

Michael Testa: To the property line next door.

Vice Chairman Sturniolo: Okay. Stan, Doug, thoughts, comments?

Stanley Bernstein: No, no. I think he's done all his homework, and I think it's coming out okay.

Vice Chairman Sturniolo: Mike, are you comfortable with the calculations we've addressed?

Michael Stein: Yes.

Vice Chairman Sturniolo: Okay. Doug, anything further?

Doug Hertz: No. My only comment actually is that if you do this canopy, it's probably going to shield that light anyway. It would actually be even more. I mean I don't know exactly the canopy cut relative to the height of the light, I assume the light's within that.

Stanley Bernstein: No, it's off to the side.

Michael Testa: It would actually be slightly, the light would fall within the canopy, so you actually shield....

David Pasquerella: Right, one's above and one are below.

Vice Chairman Sturniolo: And Mike I noticed in the variance granted from the ZBA that one of the conditions is that that second chimney be removed.

Michael Testa: That is correct. And we have agreed to remove that chimney, it's an abandoned chimney, it's no longer necessary. We've agreed to that.

Vice Chairman Sturniolo: Nanette and Whitney do you have any questions, thoughts?

Nanette Bourne: No.

Michael Testa: What would be the next step from here?

Vice Chairman Sturniolo: The next step would be, am I correct Nanette to come up with a draft resolution of approval?

Nanette Bourne: Right. If you want, for the September meeting.

Vice Chairman Sturniolo: The September meeting I think. You know, we went through it all. I think all our questions are answered. Yes, let's do that.

Michael Testa: Okay, thank you.

Doug Hertz: You have ARB approval prior to this or no? There was no change in the façade that required it?

Michael Testa: That is correct. It is my understanding in speaking to Mr. Cassidy.

Vice Chairman Sturniolo: So the only thing was the ZBA.

Michael Testa: We agree that we receive ZBA approval.

Doug Hertz: If they're required to go the ARB, and we don't know for certain that they are, do they have to complete that before we're done?

Nanette Bourne: Yes.

Michael Testa: Is it possible to condition the approval on getting these?

Vice Chairman Sturniolo: Who makes that call whether the canopy needs to be reviewed by the ARB? How does the ball get rolling on getting that answer?

Whitney Singleton: Can you explain to me what was being proposed precisely regarding the canopy?

David Pasquerella: The Board suggested that we put the canopy up to beautify the front of the building.

Whitney Singleton: I know that there has been a past history of canopies not going to the ARB. I also know that there has been a canopy through the town that has created a bone of contention with the ARB. Have you conferred with the Building Department as to whether or not that's aand I'll go back and I'll look at the code as to whether or not that constitutes triggers ARB approval for purposes of having to act on that prior to your Board acting on the site plan accordingly. But I can work that out with Nanette prior to September and advise you or the Chairman by Thursday of this week at the staff meeting.

Doug Hertz: I know some of the issues on other sites, not this one that the canopy also becomes a sign.

Whitney Singleton: That's correct.

(Multiple voices speaking at once)

Vice Chairman Sturniolo: Conditions that it's plain.

Doug Hertz: Without a sign on the canopy, it doesn't get triggered.

Michael Testa: And we are not proposing a sign.

Vice Chairman Sturniolo: Okay, so we should be able to get a...

Stanley Bernstein: That canopy will be the same material as the roof, same color and material as the roof, right?

Michael Testa: We can make that any color you want.

Stanley Bernstein: It's going to be shingled.

Michael Testa: No. A canvass canopy.

Stanley Bernstein: Oh, okay. No problem.

David Pasquerella: And I will be changing the roof.

Stanley Bernstein: You know, it always looks better if the shingles on the roof and canopy are the same.

Michael Testa: That's what I was thinking.

Vice Chairman Sturniolo: So you're saying get material for the canopy...

Stanley Bernstein: Well, if you're re-roofing, you might as well match the color of the wood and shingles.

Thank-you's.

Michael Testa: So Nanette will input the...

(Multiple voices speaking)

Vice Chairman Sturniolo: A resolution for the September meeting. And you'll have an answer prior to that regarding the canopy.

Michael Testa: And the date of that meeting Mr. Chairman?

Vice Chairman Sturniolo: That is the 12th.

Michael Testa: Thank you.

Vice Chairman Sturniolo: Thank you both. 128 Radio Circle.

**11. Formal Application
128 Radio Circle
Application No. PB2004-02
Scott Blakley, representing the applicant
John Martabano, applicant**

Scott Blakely: Scott Blakely from Insite Engineering. We represent MRE Development and the proposal before your Board tonight is to construct six additional parking spaces at 128 Radio Circle. The tenants have indicated to Mr. Martabano that additional parking is necessary.

Vice Chairman Sturniolo: For the members, we did the site for

(Multiple voices speaking)

Vice Chairman Sturniolo: This is the old Merv Blank building.

Stanley Bernstein: We said that we are not going to entertain anything until the whole place is cleaned up. Was it?

Scott Blakely: Cleaned up?

Stanley Bernstein: Yes, cleaned up. It was a howling mess. It was disgusting.

Vice Chairman Sturniolo: A lot of trash in the back by the...

Stanley Bernstein: Besides trash, doors were falling down. The walkway, the raised walkway by the wrought iron fence in the yard, and there was junk up against it. It was a horror show.

Scott Blakely: Our office wasn't involved initially when this came before the Board.

Stanley Bernstein: That was the decision we made, we're not even going to entertain it until it was cleaned up.

Scott Blakely: Well, it was my understanding that based on discussions with Dan Hollis, the project attorney, was that the Board wanted us to get things worked out with the City, New York City DEP before coming back to you.

Stanley Bernstein: That's also true, but we also made, we said it right then and there at the site. Mr. Cosentino knows very well....

Scott Blakely: I can't speak to that. Again, we weren't involved in the project at that time.

Stanley Bernstein: Alright, well go ahead, continue.

Scott Blakely: What we've done, this last appeared before you in June 2005. We've been working with Janine McCulligan at the DEP, there were some issues that she felt that the ground water was high. We've dug test pits, we put in phizometers, and we've been testing the ground water elevations. Ground water was never evident in the soils. They made us go through a wet period so we had to wait till spring. We got her back out there, did some additional testing, there was no evidence of ground water. She's still convinced that there was ground water, and it's a very sandy soil that's a three to five minute perk.

Stanley Bernstein: That sandy soil has been added by the City of New York about 40 years ago, and it was, that's hydric soil underneath that, I think it's how many feet of fill?

Vice Chairman Sturniolo: A lot.

Stanley Bernstein: Four feet of fill.

Scott Blakely: Yes, but we dug....

Stanley Bernstein: That's hydric soil underneath and that's what she's been the most concerned with.

Scott Blakely: But we've dug test pits down 8' and we hit almost like beach sand. So what we've done is, based on Janine's recommendation, we were proposing infiltrators in this area. We were using the Cultic 330's which are 30" in height. We negotiated using a shorter infiltrator, we're using the 180 which is 18" in height, and so we can get the bottom of that infiltration practice up higher. There is no evidence of ground water, but what we've done is we've added additional infiltrators in that area to make up that capacity. And we designed the drainage system in accordance with the City's regulations. Its infiltration practice. Due to the elevations of the existing storm drainage, we can't provide an emergency overflow out of the infiltrators, so what we've done is we've designed the catch basin system that if they get over taxed with a larger storm that it would trickle out the curb line and get into the drainage system in the road. It's been submitted. Obviously, Janine McCulligan has left the DEP; we're working with Penny Kelly now. But based on their records we're hoping that Penny's going to be okay with this also. We provided additional landscaping along the front of the building, and we've provided a variety of evergreen and deciduous shrubs along with some day lilies and flowering trees to help screen that additional parking. As discussed at the June 2005 meeting, the parking was rearranged from what was shown on the original site plan to reduce the imperviousness. Previously the parking was head in against the building, which required us to pave this portion of it for an access aisle. So we've redesigned that to access the three spaces on either side from the existing access to try to reduce that pavement.

Doug Hertz: There was also a question at the time of curbing that was not in place along this area and this area was being used as parking.

Scott Blakely: It was abandoned...

Vice Chairman Sturniolo: Doug, just describe it northeast, south, you know.

Stanley Bernstein: That was the southwest I think.

Doug Hertz: It's along the front as you're looking at the front of the building.

Scott Blakely: It's this section right here?

Doug Hertz: Yes.

Stanley Bernstein: There was an abandoned car there. That was another reason that we...

Scott Blakely: Is that something the Board would like us to address?

Doug Hertz: Well I'm sure we'd like to see curbing continued and put back in that area. So that what's meant to be landscaping is not a park able area.

Vice Chairman Sturniolo: That curbing is part of the overall conversation at the beginning of the meeting about cleaning up the site with all of the unused junk items in the back.

Scott Blakely: Okay. I will talk to Mr. Martabano.

John Martabano: This is the first I have heard of it. Why wasn't, a citation issued for God's sake. I mean nobody informed me of this situation. If I knew that they were cited for it by the Code Officer or something I would have addressed it.

Vice Chairman Sturniolo: You're absolutely right.

John Martabano: I mean, there are no records about any violations on the property. As far as I'm aware of.

Vice Chairman Sturniolo: You're right. You're absolutely correct. What's fair is fair. It should have been addressed awhile ago.

John Martabano: I mean I'll be glad to

(Multiple voices)

Stanley Bernstein: They were informed.

Vice Chairman Sturniolo: Who?

Stanley Bernstein: The code compliance people were informed of this.

Vice Chairman Sturniolo: Not that I personally known of.

Stanley Bernstein: I kind of remember Joe telling me that. We've got to talk to so and so. And nothing happened, I know, I know. Not unusual.

Doug Hertz: I'm just recollecting from the site, well over a year ago what the conditions were.

Vice Chairman Sturniolo: Correct. And we all agreed, as far as our observations go. I have another question in that regard. The Scott Blakely letter and it's kind of like the main paragraph toward the bottom, and Whitney it's the one where the attorney says that the parking area was previously approved by the Planning Board as parking and reserved to be constructed in the future. How do we address the verification of that statement?

Whitney Singleton: That's easy. All you have to do is look at the previously approved plans and **(inaudible)**...and, you know, I wouldn't bet my life on it, but I have been through this issue in the past with Mr. Martabano directly on the site and have gone through this, and I believe that in fact not only demonstrated to me, but when he initially came into the Board he demonstrated where the approved parking spaces on the site plan were, and the reason that he's doing what he's doing here is because there was a change in the zoning requirements that does propose, does approve that the installation _____ the parking spaces are now or would be now in what is now considered the _____. So I'm pretty certain that it happened, but if you need us to go back buffer.

(Papers shuffling making the above inaudible toward the end)

Whitney Singleton: We could do that now possibly, to be referenced in a resolution for approval.

Scott Blakely: I have a partial copy I believe of what the approved plan was. And what it had shown was five spaces along the front of the building with an adaptation, a request for those spaces to be waived.

Vice Chairman Sturniolo: And it's been done in the past, so I'm sure this is the case I would just like to see it.

Scott Blakely: What we've done with those spaces is there's a 20' buffer requirement along the frontage. We have provided that 20' buffer so the edge of that parking area is 20' from the property line. Originally, we had it I think within about 8 or 9' in our sketch that was submitted within Dan Hollis' letter back in June 2005. So we did make that modification and pushed the parking back.

Vice Chairman Sturniolo: Nanette, anything?

Nanette Bourne: No.

Vice Chairman Sturniolo: Alright, let's see where we go with this, just double checking, but I'm sure that fact is accurate about the installation of the parking spaces. Whitney, do you need this?

Whitney Singleton: No.

Doug Hertz: Tony, I have one question.

Vice Chairman Sturniolo: Sure.

Doug Hertz: And I didn't pick up on this when I looked at this earlier. I'm seeing, here where it says railroad type curb on part of the parking lot; we're expanding the parking and upgrading, are we going to require...

Vice Chairman Sturniolo: Concrete?

Doug Hertz: ... poured in place concrete as we do?

Vice Chairman Sturniolo: Well, I think we should because we're addressing the concrete curbing, in that corner five minutes ago.

Scott Blakely: Is that a requirement of this Board?

Vice Chairman Sturniolo: Poured in place concrete curbing, yes.

Scott Blakely: Even if there was a, I don't know exactly what was on the approved site plan. If railroad type curb was approved on that site plan and we come back in, has this Board been requiring modifications?

Vice Chairman Sturniolo: Oh, we have of other applicants.

John Martabano: That's alright.

Scott Blakely: Okay.

Vice Chairman Sturniolo: Okay, anybody else?

Scott Blakely: Our next step?

Vice Chairman Sturniolo: The next step once we get the verification is to construct a resolution of approval for the September 12th meeting, because I think the two verification points that we need to do should be very easy to accomplish.

Scott Blakely: Okay great.

Vice Chairman Sturniolo: And let's see what you can do as far as, you know, between now and then, the clean up of the property.

Scott Blakely: Okay.

John Martabano: They'll be notified tomorrow.

Stanley Bernstein: You know, I did have a question on the east side. There's a paved area that goes past the front entrance. Now what is that supposed to be used for? There's no parking in there.

Scott Blakely: I'm not sure where you mean.

Stanley Bernstein: Over here.

Scott Blakely: This?

Stanley Bernstein: Yes, what is that?

Scott Blakely: That's all parking. The parking stalls, it's very light. It's probably the quality of the Xerox.

Stanley Bernstein: I see. It's so light.

Scott Blakely: And there's a door right here.

Stanley Bernstein: And the entrance is here.

Scott Blakely: Yes, the entrance is over here.

Stanley Bernstein: Yes, all the entrances here. And we had a question at that time, during the site visit. How can a car coming in make a turn around? Remember we spoke about that? I know Joe and I did.

Scott Blakely: I've parked in there numerous times.

Stanley Bernstein: And you were able to turn around or you had to back out?

Scott Blakely: Yea, I've got an extended Trail Blazer, it's a little tricky but, I can get out of there.

Stanley Bernstein: You can? Even though if everyone of these spaces are taken?

Scott Blakely: If everyone's taken, you'll have to back out.

Stanley Bernstein: And you've got the step going into the building? You'd have to back out.

Scott Blakely: You'd have to back out. And I think in any case with dead end parking there, you'd have to back out in most cases.

Stanley Bernstein: I don't remember. Joe had some comment on that. I don't remember what he said. Okay.

Vice Chairman Sturniolo: Alright. Thank you.

Scott Blakely: I'm here for the next one too.

Vice Chairman Sturniolo: Okay. Where are we? Bank of New York, 55 Main Street.

**12. Continued Review
Bank of New York – 55 Main Street
Application No.: PB2006-14
Scott Blakely/Frank Picucci, applicant**

Vice Chairman Sturniolo: If you would be kind enough to identify yourself, and if you have a business card, please.

Frank Picucci: Frank Picucci. I'm the Property Manager for the Bank of New York. Here's my card.

Scott Blakely: We were last before your Board in July and the Board had requested a number of modifications, which included a note regarding the no parking sign that's mounted on the wall to keep the vegetation clear. The curbing type, and to replace

Vice Chairman Sturniolo: All the Belgian block with poured in place concrete.

Scott Blakely: Poured in place concrete.

Vice Chairman Sturniolo: This kind of goes back to the question you asked with the previous applicant as well.

Scott Blakely: Sure. And, so that's been done on the drawings. We made a request to modify the detail on the refuse enclosure from wood to vinyl clad with; I'm sorry, chain link slats. The details have been modified. The Board had some questions with regard to the photo metrics of the light fixture. I brought along copies of the photometric plan, which we did not have when we made our submission. Our lighting people were a little bit busy. So what's proposed are replacing two of the façade accent lights with 275 watt fixtures, and as you can see from the location and the photo metrics plan, we've got about a five foot candle at the fixture itself and a quarter of a foot candle at the building. There's no offsite spray of light; this is going to be direct, these are going to be mounted on the ground and directed directly at the building.

Frank Picucci: This is replacing the existing the existing that were there before that.

Scott Blakely: Correct.

Stanley Bernstein: Is there an ATTEMPT outside or is in the...

Scott Blakely: It's inside.

Vice Chairman Sturniolo: Just quickly to get through the photometric issue, could you put this, what you're saying now in a letter form that supports this diagram?

Scott Blakely: Yes, we can do that.

Vice Chairman Sturniolo: Okay. I'm sorry, please continue.

Scott Blakely: I'm just going through our notes from the refuse, the curbing, the photo plan, and the sign on the wall.

Vice Chairman Sturniolo: The fire lane striping in the back.

Scott Blakely: Yes, the fire lane striping, that was previously on the plan. We've re-striped the parking lot back to the original approval from '70 to eliminate on of the spaces.

Vice Chairman Sturniolo: And the spaces are compliant?

Scott Blakely: That's correct. 9-1/2

Vice Chairman Sturniolo: 9, 6, 18, 6?

Scott Blakely: Yes. They're actually a little longer.

Vice Chairman Sturniolo: And the spacing for the handicapped?

Scott Blakely: Yes. We have an eight foot space with an eight foot aisle.

Vice Chairman Sturniolo: The lighting that, curbing....and now let me just goes back to the concrete curbing. So all the Belgian block is going to be replaced? Wherever there's Belgian block.

Frank Picucci: Belgian and asphalt. Wherever there's asphalt and Belgian, is going to be replaced.

Scott Blakely: And if there's damaged concrete curb, that's going to be replaced also. There's a note on the drawing that says replace all existing interior concrete and Belgian block curb with new concrete curb.

Vice Chairman Sturniolo: And that includes the back long run of building parking?

Scott Blakely: That includes this here. Everything in the internal portions of the site.

Vice Chairman Sturniolo: Nanette?

Nanette Bourne: The other item had to do with the landscaping, and the Board asked that the landscaping plan be reviewed by a consulting landscape architect which I have. It would be by IQ Landscape Architects, and they're comments thought that what had been planned here was not only appropriate but would be an improvement, and it's such a good idea, that it should be extended over here to freshen up the landscaping. Add some Rhododendrons, some plant material that's consistent to make a nice street frontage along there. There is a minor issue concerning some of the plants that may be going out onto Village property, and I spoke with Scott earlier today that this should be revisited and either the plants pulled out of Village property or make a request that they be allowed to plant on the property. And that's it.

Vice Chairman Sturniolo: And you're both comfortable with that.

Frank Picucci: Yes, I don't have any problem adding some color to the other area.

Doug Hertz: I think that's a great idea.

Vice Chairman Sturniolo: Oh, carrying in the theme.

Doug Hertz: Yes.

Scott Blakely: Yes, and Frank and I talked before and he's willing to spruce that area up. There is some vegetation in there that's worth saving. And then I agree that we should just carry that theme of what we've done here over so we have that complete.

Vice Chairman Sturniolo: And again, just to reiterate a point Nanette made that if the plantings, some of it winds up on Village property, you're prepared to address that issue with a letter to the Village Manager and the Board of Trustees requesting permission to plant XYZ at a certain location. If it comes to that?

Frank Picucci: If it comes to that. We'll only go as far as the sidewalk.

Scott Blakely: About a foot, foot and a half. The property line goes through the planning bed and there's about maybe two feet in one location where we're planting the low growing Juniper in this area. Is it just a formal permission granted by the Village?

Whitney Singleton: Yes.

Scott Blakely: So there are no fees or anything involved?

Whitney Singleton: Oh, no, there are no fees. No, the only thing that's involved in it to the extent you're going to be utilizing Village property, they're going to want indemnification. You know this is so minor in nature, I don't even know...when somebody's tree grows and a branch overhangs in the road, they don't get permission from the Village. I'll look into it and I can assure you that we can make provisions for this to happen. I don't know the formality of it.

Vice Chairman Sturniolo: Hopefully simply

Doug Hertz: It was already happening.

Whitney Singleton: It was already happening, that's exactly correct.

Vice Chairman Sturniolo: When do you think you would like to get our approval? Just pretend you had it tonight. Time wise, when do you think you'd like to start this project?

Frank Picucci: Before Chase puts their name on the building, and that is October 1st. I really would like to wrap this up. September is ideal.

Vice Chairman Sturniolo: Ideal time to plant and do everything.

Frank Picucci: And realistically yes. You know the acquisition with Chase, Morgan Chase. So as of October 1st I don't know what's going to happen but I definitely want to finish this project before then. I will be joining Chase as of October 1st.

Vice Chairman Sturniolo: So we should do September 12th as far as getting this resolution and approval together?

Nanette Bourne: Which means that you should submit a revised copy just showing the plantings in by August 23rd.

Vice Chairman Sturniolo: 23rd.

Scott Blakely: Okay.

Whitney Singleton: Does that mean you're going to be responsible for the other building now and we can call you on that?

Frank Picucci: No.

(Multiple voices speaking)

Whitney Singleton: Some loose wires sticking out of the ground over at Chase...

Frank Picucci: That's not my responsibility. I have my own problems.

Vice Chairman Sturniolo: And again, we also need that detailed letter regarding the photo metrics.

Scott Blakely: Right. And the other thing we'll do is we will add detail or an annotation about the fixture on this drawing, which did not make it on our last submission.

Vice Chairman Sturniolo: Do you know what type of bulb you're going to put in that fixture?

Frank Picucci: I think it had a ...

Scott Blakely: It's a 175.

Vice Chairman Sturniolo: No, I meant is it metal?

(Multiple voices speaking)

Frank Picucci: This is metal.

Scott Blakely: That's typically what we spec on all of our projects, unless the village has a requirement.

Whitney Singleton: Can I just say one thing?

Vice Chairman Sturniolo: Sure.

Whitney Singleton: It just has to do with what I observed at the site over the many years that I've gone out there. You're eliminating this Belgian block here?

Scott Blakely: Yes.

Whitney Singleton: It's probably a good idea but....

Vice Chairman Sturniolo: It is convenient to drive over.

Whitney Singleton: Yes, everyone drives over it. And that will no longer happen and now people will go the wrong way down a one-way street. Not that it has anything to do with your site, but people do it and it will not be able to be accomplished anymore.

Frank Picucci: Right. I know that Chase has a team out there right now, so he's looking at every site, and who knows what improvements they might have prior to this in the future. So, you know again, that parking lot may be redone all over again. So who knows? We might be back here again.

Vice Chairman Sturniolo: No, I can understand you're

Frank Picucci: It's an eyesore and we're getting a lot of negative, you know, publicity on it, and I just want to get something planted there as quickly as possible. So how soon would I be able to authorize the contractor to start the work?

Vice Chairman Sturniolo: Well, assuming that everything is done on time, by the 23rd of August submitted, you would be on the agenda for the 12th.

Frank Picucci: I have one more meeting?

Vice Chairman Sturniolo: Correct.

Frank Picucci: Do we have to attend the meeting? I mean, there has to be representation here?

Vice Chairman Sturniolo: You should.

Frank Picucci: We should?

Vice Chairman Sturniolo: Absolutely. Otherwise, you know, orchids may get planted. Thank you both.

Frank Picucci/Scott Blakely: Thank you.

Memorandum from AKRF

Vice Chairman Sturniolo: Whitney has, if we all don't have, a copy of the procedure memo dated June 26th and last updated by Nanette, and we were all asked to bring our comments to this meeting to go over this procedural memo.

Doug Hertz: I was hoping we wouldn't do this.

Vice Chairman Sturniolo: And discuss it.

Doug Hertz: Only because there were 600 pages of other stuff for this meeting.

Vice Chairman Sturniolo: We've put this off a couple of times now.

Stanley Bernstein: Nancy asked to bring in a couple of days ahead of time, to submit.

Vice Chairman Sturniolo: Nanette, what's the best way start with this? You've got Whitney's comments, and you have mine.

Whitney Singleton: Well, nobody else has my comments. I only emailed everyone back that emailed to me, so I don't think that everyone got them. My comments were not long. I photocopied the email reflecting the comments that I had.

Vice Chairman Sturniolo: And mine.

Nanette Bourne: I have Tony's comments, Whitney's comments, and I saw that Saul submitted his comments.

Stanley Bernstein: Did you get mine? I gave it to Nancy last week.

Nanette Bourne: Did she give them to me tonight?

Stanley Bernstein: I don't think so.

Nanette Bourne: Okay, so I don't have yours.

Stanley Bernstein: Ah, too bad.

Vice Chairman Sturniolo: Well, let's go through it. If we just look at the first cover sheet, the first page..

Whitney Singleton: Disregard the last page. The last page is a memo on something else.

Vice Chairman Sturniolo: Okay. If we look at the first page, the highlighted thing I added said my comments regarding tables one, two and three, should be reviewed by Whitney and Jim for code compliance. And those tables are on the second and third page. My comment that I added under submission dates, final action, I put in the word the applicant must in that first paragraph, replicated must in the second paragraph, and then in the last paragraph on that same page three, my comment was 'and the Village Attorney', and then I also added at the bottom part 'along with the Village Attorney'. Then on page four I added the highlighted 'all' and the word 'the' in the paragraph Review of Other Boards, and I made a comment in the paragraph below that, under Violations and Fees, where it says, 'unless the subject of the application is to remedy the violation', I added this comment, 'this can be a very dangerous phrase. There is far too much subjective ness and interpretation, thus creating the potential for grave errors in this underlined phrase'. And then below it, the next paragraph, 'Setting the Planning Board Agenda', I added 'The Planning Board Chairman and staff'. Now those are my comments, and I'll turn it over to Whitney, who will explain how he was able to do it in a much nicer computerized fashion, where his comments are highlighted in a box.

Whitney Singleton: Basically, with regard to finalizing some continuing reviews, as we have seen, now on the top, if you can only be on continuing review for an application, and then you have to go to final approval and you have to meet all these deadlines, if it's possible, as I put on my comment, that there can be a one and half to two month delay just to get on for approval, something that is already basically cued up and ready to go. And I don't know whether you want to have that rigidity with regard to your applications. I can understand sometimes you don't want to be rushed, and very often we have agendas, particularly like tonight, where you have so much on the agenda that you feel as though it's an insurmountable amount. One of the things that were going through my mind was all the resolutions, and then that Nanette's going to go back tomorrow and start working on There's a lot of resolutions that came up tonight. But at the same time, when you have something very straightforward and basic then, I'm not trying to make some applications seem easier and more straightforward than others, but Pasquerella tonight, that was a relatively straightforward item, and I would hate to see something like that delayed for a month and a half because of you know, the way things lay out in a particular month or on a particular agenda. And I just want to make sure that you guys have the flexibility with regard to scheduling things for final action. You know, a lot of the things we talked about tonight Tony were, when realistically when we have something easy as a landscape installed by a particular point in time the year, we want an advantageous point in time in the year, or somebody trying to put an addition on, whether it's Sleepy's or pizza places, or whatever different addition in town, you try to put a modest addition on, and because of timing you

feel as though you're handcuffed. We can clearly execute discretion as to when things should be on based upon the schedule, but I don't know what your thoughts are on the....

Vice Chairman Sturniolo: Let me focus in on the word discretion. Who are we giving the discretion to?

Whitney Singleton: Well, we're not giving it to anybody, but by a matter of law discretion is conveyed and conferred upon the Planning Board Chairman.

Nanette Bourne: I think one of the things that we're talking about is that the Planning Board, given applicants before you, Pasquerella has to show their...

Vice Chairman Sturniolo: Good example.

Nanette Bourne: And assuming this is the work session agenda, if he came in, he did all the stuff, but you want to see the cutoff, in order for him to get on the regular meeting he would....

Whitney Singleton: Have to come to a work session at the end of September to show you the cutoff and then provided the dates work out, he could be on in October.

Nanette Bourne: Right. And all you're really telling him is just show on your plans and cue it up for an approval. So in that case, it would be the Planning Board, it would be this group that would say do it and you can be on the agenda. This wouldn't be at the discretion of the applicant.

Vice Chairman Sturniolo: Okay. You said in that case. And I agree with you. What would be a case where the discretion goes to someone else other than the Chairman of the Planning Board? And that's my fear.

Nanette Bourne: No.

Whitney Singleton: Oh, no, no. I wouldn't be. What I'm thinking is the discretion that's been put upon the Chairman is setting the agendas, period.

Vice Chairman Sturniolo: Correct.

Whitney Singleton: He could say this is too great an agenda, I don't want to see Pasquerella on his application, and it's too complicated.

Vice Chairman Sturniolo: Without having to get into that.

Whitney Singleton: Right.

Nanette Bourne: This wouldn't be something that's staff pushes forward, or an applicant request. This is something that an applicant would request of the Planning Board or possibly of the Chair.

Whitney Singleton: Right. And tonight you could have, basically what you did, you could have said, well look, we don't have a detail of the cutoff here or we don't have the detail of whatever. What do the fellow Board members think about scheduling this without having it ahead of time?

Vice Chairman Sturniolo: No, it's a good example.

Whitney Singleton: And we're not trying to making the bad guys, but at the same time, I don't want to handcuff this.

Vice Chairman Sturniolo: No, no. And by the same token I

Whitney Singleton: People are on the agenda month after month when they...

Vice Chairman Sturniolo: I just needed to hear from both of you when you said the word discretion, discretion stays with the Chairman, which I am 100% comfortable with, and doesn't go to anyone else, in any other scenario.

Stanley Bernstein: On the same subject, I have no problem with Pasquerella and John's Best and small applicants like that. But on page one, we retain the discretion to allow an applicant that means any applicant, the first Monday after the Planning Board work session. I don't want to see that.

Whitney Singleton: Where are you reading?

Stanley Bernstein: I'm reading on page one.

Nanette Bourne: No, that would be...

Vice Chairman Sturniolo: Page one of these handouts?

Stanley Bernstein: Oh no, of the original. I can't see it on this.

Nanette Bourne: No, that's the same example. That this would have to be, it would not be at the applicant's discretion.

Stanley Bernstein: No, I don't mean that. I mean, I don't even think it should be written that we should allow something like that with a large applicant.

Nanette Bourne: It's unlikely.

Stanley Bernstein: Let him go to the next month, or two months or three months.

Nanette Bourne: But it's unlikely that you ever would.

Stanley Bernstein: Pasquerella maybe. But, you know, you give them an inch and they take a mile. We gave an inch to other applicants and they screwed us, right? We came in on our own time on Saturday to get them through and they screwed us. Now that has happened before and it's going to happen again. I don't want to give any of the large applicants an inch. If it means they've got to come back in two months, tough. I can't do any groundbreaking because it's winter. Well, so you wait till next spring.

Nanette Bourne: Well, this does say, and maybe it's not on your copy, for small applications with minor changes.

Stanley Bernstein: Yes, small applications with minor changes. That's the second paragraph. The first paragraph doesn't say that. It's hard for me to make heads or tails of what you've got here with this BAT, what does BAT mean?

Whitney Singleton: Where are you looking?

Vice Chairman Sturniolo: You mean the super bold?

Stanley Bernstein: Continuing review for small applications. You dropped out the continuing review for large applications. Oh, no. It's under final actions. Let's see where we are. Months where there's not a full 15 days, the Planning Board shall retain the discretion to allow the applicant to submit the additional documents by the first Monday after the Planning Board. I don't think that should happen with any large applicant. I don't care how long it takes. I mean, they've got that problem when they go to, Scarsdale, New Canaan, Greenwich. None of these Boards bend over backwards for these people. We're the only ones. We say, anybody walks in that door we love you. And we'll do anything for you. And then they turn around and screw us. Let the word go forth that Mt. Kisco is just as tough as Scarsdale and New Canaan.

Vice Chairman Sturniolo: Stan, would you feel more comfortable if we took this agenda, either this procedure thing, held it over for our next Planning Board meeting so you'll have your notes?

Stanley Bernstein: Well those are my notes. I have it in my head. That's exactly what I wrote to Nanette, which she didn't get. I don't mind on a small application. Pasquerella, there's no problem. I don't want to hold the guy up.

Nanette Bourne: Well what about if we just modify in months where there are not a full 15 days, and we just reference that the Planning Board...

Stanley Bernstein: Or if it's understood among all of us that we're not going to give anything to any Balter or this abomination that they put up on the Board today, or any of these other places. They've got to go the extra month or two months, or three months, tough.

Vice Chairman Sturniolo: How do we get this into language?

Stanley Bernstein: Well, I don't know. Okay. You want to wait until I can rephrase it?

Joseph Morreale: Stan, I thought this only applied to small applications.

Stanley Bernstein: Well it does in the second paragraph. But it doesn't say that in the first paragraph. The first paragraph you assume it's any.

Joseph Morreale: So your problem is with the first paragraph.

Stanley Bernstein: Final action. Additional material requested by the Planning Board for the final action must be submitted 15 days prior to the next regular session. See some months this is possible. However, in others it's not enough time between the work session and regular session. In months where there are not a full 15 days the Planning Board, in months where there **is** not, not **are** not, the Planning Board shall retain the discretion to allow the applicant to submit the additional documents by the first Monday. No.

Doug Hertz: Do you want to say, allow the small applicant?

Stanley Bernstein: I'd say, small applicant, or inconsequential changes.

Whitney Singleton: We do have a term in the code called minor applications.

Stanley Bernstein: Minor. This shall only apply to minor applications.

Whitney Singleton: But minor applications as defined in the code may not be minor in the sense of what you're thinking. Minor is defined as less than 10% of the overall assessed value of the site.

Vice Chairman Sturniolo: That burdens it. I'm not selling it to you, but there is the word shall retain the discretion...

Stanley Bernstein: Alright. If we want to hang our hat on that, that the Planning Board Chairman under the advisement of the rest of the Planning Board. In other words so that the Planning Board Chairman doesn't say, well, let's do it anyway. You know, we should all consult on it.

Doug Hertz: Well, there is language in the second under continuing review, where it says 'the applicant for small applications with minor changes'.

Stanley Bernstein: Yes, I'll accept that.

Doug Hertz: We could use that same language in the first paragraph.

Stanley Bernstein: Okay, yes.

Vice Chairman Sturniolo: Would that make sense Nanette?

Stanley Bernstein: Yes.

Vice Chairman Sturniolo: Carry that

Whitney Singleton: Stan, you said one thing that I don't disagree with the substance.

Vice Chairman Sturniolo: Also, Whitney, pardon me. Going to support your argument even further, where I inserted the word 'must' in bold, that sentence reads 'the applicant must also submit a letter to the Planning Board justifying the need for the expedition of the process'. So you get a letter, it kind of goes to the meat and potatoes of what you're talking about, what's a small application, and then you make a discretionary judgment. With the letter in hand outlining it, and then the Chairman can say yea or nay on it.

Stanley Bernstein: Yes, okay.

Whitney Singleton: But that's just where, that's where I was chiming in. But I understand what Stan's saying. Don't have the Chairman make that by himself.

Stanley Bernstein: The Board.

Whitney Singleton: The problem is, we're talking about a situation here where Nanette calls up or Nancy calls up or I call up and I say, you know, they came in on Thursday and they need to come in on Wednesday, do you still want it on the agenda.

Stanley Bernstein: I see.

Whitney Singleton: And I don't know that Joe has the luxury or capacity to call each one of you up.

Stanley Bernstein: No, okay. I'll buy that, but then you, in your great integrity, should know.

Whitney Singleton: I understand what you're saying Stan.

Stanley Bernstein: Okay.

Whitney Singleton: Yes.

Vice Chairman Sturniolo: Okay. Let's go back to that. So do we want to replicate the language in the second paragraph into the first paragraph?

Stanley Bernstein: Yes, I think so.

Vice Chairman Sturniolo: And do you gain some comfort in the other line about the applicant must submit the letter, etc. justifying it?

Stanley Bernstein: Yes.

Doug Hertz: Are we limiting ourselves too much?

Whitney Singleton: Where are you placing this? Is this just informal, or is this going into your rules and procedures?

Vice Chairman Sturniolo: The purpose of this?

Whitney Singleton: Yes.

Vice Chairman Sturniolo: This germinated from one of those Thursday staff meetings where we started the conversation about how we're going to deal with applications and this and that, and then we said why don't we come up with a general procedure that everybody whose at the staff meeting whose not at a Planning Board meeting knows how we want to do things?

Whitney Singleton: Okay. But this is not going to be, you know, with a raised seal, under glass. This is just an informal procedure.

Vice Chairman Sturniolo: Yes, but once, an informal procedure, but it just needs to be cohesively put together on a piece of paper that we all have a game plan and other people who are not at the Planning Board meeting know what the game plan is.

Doug Hertz: Is it an informal procedure or does this becomes codified as our present rules?

Whitney Singleton: That's what I'm asking.

Nanette Bourne: It's just a memo of understanding.

Whitney Singleton: Does that mean I'm going to have to sign this? Are we all going to have signed this?

Vice Chairman Sturniolo: And Pat's going to have to get it notarized. Okay, Stan, anything further?

Stanley Bernstein: Yes.

Vice Chairman Sturniolo: Oh, okay.

Joseph Morreale: Wait a minute; I want to stay on this, because I'm now wondering something Stan. I know the example you used about the large project where they and I think about the hospital. Because we made an exception on the hospital.

Stanley Bernstein: Yes we did.

Joseph Morreale: And there was a good reason for that.

Stanley Bernstein: Yes there was.

Joseph Morreale: Now if we only keep this to small minor projects, we wouldn't do that. We couldn't do that. So I'm not so sure the idea of constraining it though.

Stanley Bernstein: Well, you can change the wording to say that not only on minor smaller projects, but also something that concerns the health and welfare of the population. In other words if there's a situation where we have to act very shortly, at the discretion of the Chairman I think we could do that.

Doug Hertz: With those other projects, from time to time the Chairman shall deem in his discretion....

Joseph Morreale: Is there any way you can call for me? I don't have a phone.

Nanette Bourne: I don't understand why in the discretion, it should be at the discretion of the Planning Board. That allows you the flexibility.

Joseph Morreale: Then we can decide...

Stanley Bernstein: Okay. I'll buy that.

Joseph Morreale: It's simple.

Stanley Bernstein: It makes it simple, yes.

Joseph Morreale: It does.

Stanley Bernstein: Yes, it was getting a little bit too complicated. I just wanted to raise a point, an issue.

Vice Chairman Sturniolo: Any other comments?

Stanley Bernstein: Yes, I do have another comment, not on that paragraph, but on billing.

Vice Chairman Sturniolo: Billing.

Stanley Bernstein: I don't think that the Planning Board or the Village should pay for any downtime. That time that you wait for a quorum, which is rarely....

Vice Chairman Sturniolo: Let me address that one. Where it came from and why. I believe I'm correct in that there was a Jim Palmer call on the billing.

Stanley Bernstein: Well why don't we tell Jim Palmer that we're going to take that 15 or 20 minutes and whack it up among all the applicants who were here tonight and they will pay for it. I don't think the Village should pay a penny for any of this.

Whitney Singleton: For what?

Stanley Bernstein: For downtime where Nanette has to wait until we get a quorum, when she hangs out downstairs.

Nanette Bourne: I took that out. I didn't want it to say waiting for a quorum.

Stanley Bernstein: Well, whatever downtime there was.

Vice Chairman Sturniolo: But it's changed.

(Multiple voices speaking)

Nanette Bourne: Yes, administrative hours.

Stanley Bernstein: Administrative hours should be billed to the, no. Why can't you break it down and add it to the applicant's bill?

Nanette Bourne: We do to the extent that we can. We do it in 15 minute segments and we apply it to the maximum extent possible to applications. There are some things that we can't creatively come up with something that is applicant based.

Stanley Bernstein: I can't see why, because if you have ...

Nanette Bourne: The majority of the time we can.

Stanley Bernstein: If you have an agenda that you're looking forward to that has six applicants, all administrative time up till that point, whether it's in your office or here, can be broken down among six applicants and bill them an extra 15 each, and extra half hour each; they should be paying for it. They should be paying for every minute of your time.

Nanette Bourne: And they do, but there are ...

Stanley Bernstein: Are certain circumstances.

Nanette Bourne: Circumstances where, and I have to account for it every month. And if I can I can.

Stanley Bernstein: Okay.

Whitney Singleton: Are we done with that issue?

Stanley Bernstein: Yes.

Vice Chairman Sturniolo: Stan, more?

Stanley Bernstein: No. I had just those two items.

Vice Chairman Sturniolo: Okay.

Whitney Singleton: One other procedural under final actions, and I don't mean to go backwards, but it's always bothered me. It's a very short issue. And I wish Joe were here for it, but tonight would have been a perfectly good example. I think that

Vice Chairman Sturniolo: I'm sorry, what page?

Whitney Singleton: Just final action. It doesn't have to do with timing; it has to do with how we act on final actions. Every single meeting that we have where a final action is going to be taken on any application, if we do not have a full quorum we should be advising any applicant that's in the audience up front at the beginning of the meeting, that all applicants are entitled to a vote by a full Board, and we are not operating with a full Board on this particular evening. And anyone who's up for a vote may adjourn their application to a later date when we do have it, because they are entitled to it. And I feel the situation tonight, you know, with the troublemakers up on Mountain Avenue, where if you had a three to one vote, and they say well I'm entitled to a vote of the full Board that would have been a denial. A three to one vote would have been a denial.

Vice Chairman Sturniolo: Correct. What I do at any time when we are at quorum I tell every applicant we're at quorum. It's your call, it's a crapshoot, you can take your chances with the vote of four people, or if you chose to come back at a later date it's your call. Now you're saying something not at quorum, you're saying the full Board, which means...

Whitney Singleton: They're entitled to a vote of a full Board.

Vice Chairman Sturniolo: You're saying the full seven members?

Whitney Singleton: Yes.

Vice Chairman Sturniolo: Not what I do.

Whitney Singleton: Right. And if you don't warn them of that right, then they'll say well nobody told me I was entitled to a vote of the full Board, so when they voted three to two to turn me down, or three to two in favor of my application I didn't realize there were two other members out there who I was entitled to their votes and one more vote would have put me over the top. We have to start advising our applicants of that, and that they're entitled to that.

Vice Chairman Sturniolo: Can you put a three sentence paragraph together to Nanette to improve that as

Whitney Singleton: Sure.

Doug Hertz: So, do I need to get re-voted?

Vice Chairman Sturniolo: Oh yea.

Doug Hertz: I rolled the dice and ...

Whitney Singleton: What made me think about this is when everyone looked at Joe and Joe gave me some sort of rule...

Stanley Bernstein: You remember Tortorella, I forgot her first name.

Whitney Singleton: And then you said you already had a quorum

(Multiple voices speaking)

Stanley Bernstein: Gerry Tortorella on West Main, 130 West Main. She took a crapshoot on that and she won. Remember that? There were only four of us here.

Whitney Singleton: Well then the other question is that naturally evolves...

Stanley Bernstein: And she was warned about it.

Whitney Singleton: If you want to be really thorough, you should tell people that you do or you do not take straw polls.

Vice Chairman Sturniolo: We don't, that's a policy.

Whitney Singleton: Okay. So if somebody comes in and we only have five members on a particular evening, and they need four votes and they say well can I get a sense of where the Board's sitting on this so I don't have to wait around for another month, your response is we don't give straw polls.

Vice Chairman Sturniolo: Correct.

Whitney Singleton: You can have vote or you cannot have a vote.

Vice Chairman Sturniolo: Correct. That's the policy, but you might want to include that in your paragraph as well. Because we've been doing that equally. Any other thoughts or comments on that?

Doug Hertz: We do that why?

Vice Chairman Sturniolo: The straw poll?

Doug Hertz: Yes.

Vice Chairman Sturniolo: It gives us a little bit of latitude and protection from a formal commitment.

Doug Hertz: But not, in other words not offering up a straw poll.

Vice Chairman Sturniolo: Not often?

Doug Hertz: Not offering it up. Not getting a sense of the Board. I mean, it's not a commitment to vote that way.

Vice Chairman Sturniolo: No, no, you can get a sense just like at the beginning of the application with the Grand Prix racing was asked for a sense of the Planning Board regarding the application and the use of this, and I spoke up and I said as one individual person I think it's a good idea or I think it's a bad idea. Well, if seven people, six others said the same thing, it's kind of the equivalent of a straw poll without committing yourself.

Whitney Singleton: And you're saying you don't like that.

Vice Chairman Sturniolo: I don't like the formalization of polling the Board members in a straw poll, but I do encourage each individual, personally I'm speaking, each individual Planning Board member when it's appropriate to say their peace about something that I think is good or I think it's not good when appropriate. And then let the applicant do his arithmetic and own self deduction to see is this the equivalent of having a straw poll of seven people versus seven people saying yea or nay, without the formalization of it.

Stanley Bernstein: Motion to adjourn

Doug Hertz: Second

Respectfully Submitted By,

Stanley Bernstein
Board Secretary

Meeting ended 11:45 PM.