

Minutes  
Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, January 9, 2007

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

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Stanley Bernstein  
Doug Hertz  
Joseph Morreale  
Ralph Vigliotti

**Members Absent:** Sol Gibbons

**Staff Present:** Nanette Bourne  
Janine McCulgan  
Whitney Singleton

Chairman Cosentino: This is a meeting of the Mount Kisco Planning Board; it's a Regular Session for January 9, 2007. The first thing on our agenda is minutes of October 24, 2006. Mr. Bernstein?

Stanley Bernstein: Motion to accept the minutes of October 24, 2006

Doug Hertz: Second.

Minutes, October 24, 2006	Motion:	Stanley Bernstein
	Second:	Doug Hertz
	Aye;	Stanley Bernstein
	Aye:	Doug Hertz
	Aye:	Ralph Vigliotti
	Aye:	Joseph Morreale
	Aye:	Vice Chairman Sturniolo
	Aye:	Chairman Cosentino

**Final Action:** Crème de la Crème  
Lot 2 Morgan Drive  
**Application No:** PB2004-08  
**Present:** David Steinmetz, Zarin & Steinmetz  
Steven S. Korwan, Oswell & Nitishin

Chairman Cosentino: We have a draft resolution here; why don't you start this Nanette?

Nanette Bourne: You asked the applicant to come back with a rendering that was representative of their site plan. The last one was not. We looked at this in relation to the landscape plan; it reflects not only the site plan as was originally approved, but it reflects the landscape plan not as it would look when it's originally planted, but I think it was three years out. So, like it or not like it, it's an accurate portrayal of what it's going to look like.

Vice Chairman Sturniolo: Do you have a copy of the old one?

David Steinmetz: The previous submission?

Doug Hertz: Thank you for bringing it down to eye-level.

David Steinmetz: That we tried to adjust. I don't believe I have a copy with me.

Chairman Cosentino: The landscaping doesn't look bad; but I'm not crazy about the building itself. But that's another story. It is what it is.

Nanette Bourne: This does reflect the additional landscaping that you asked them to put in.

David Steinmetz: All that you have before you tonight is the landscaping. As Mr. Hertz indicated, we did try to adjust the perspective for the viewpoint of the portrayal. As you can well imagine we would very much like, on behalf of our client, to bring the process to closure and secure an adoption of the resolution and move forward.

Chairman Cosentino: Well we do have a resolution before us; if there are any questions here on this.

Ralph Vigliotti: One question. The trees that are being represented in the prospectus. Will they go in that size?

Steven Korwan: This is between two and three years down the road.

David Steinmetz: We were asked to illustrate it and render it this way so that you'd get a sense of what it's really going to look like.

Vice Chairman Sturniolo: So the 2010 model car is better. This is what the new BMW looks like.

Chairman Cosentino: Are there any other questions before we move to the resolution?

Stanley Bernstein: I have a comment for the record. Very nice trees, but they certainly can't replace what's there now; natural forest, and as a matter of fact, Ralph even mentioned it on one of our site visits, the urban forest and how it looks and how it should be preserved. I'm also not happy about bulldozers, cranes, concrete mixers and things like that in the wetland buffer. I'm not very happy about that at all. I think it's very destructive. Those are my comments.

Chairman Cosentino: Anybody else?

Vice Chairman Sturniolo: Mr. Chairman, I just have three short comments on the resolution itself. On Page 1 on the draft, we need to insert the tax map identification number, and also Nancy Placona has told me that the parking fees where it is short \$1,025 have been paid on December 6.

Nanette Bourne: So its \$3,550 plus the \$1,025?

Vice Chairman Sturniolo: Yes. And that missing \$1025 was that December 6 date.

David Steinmetz: Nanette, I'm not sure if it's short or if the \$3,550 has now been paid in full. You can confirm that.

Vice Chairman Sturniolo: And my other thing is and it's a comment not directed to you Dave, but the December 26 letter is late in arrival because the submission cut-off date is December 20 for this packet; and I just say this in general to everybody in the room that the timing is off. And that's my only comments, Mr. Chairman.

David Steinmetz: If somebody has a calculator it's 75 times 65. So Nanette was right, the \$1,025 needs to be added on to the \$3,550.

Chairman Cosentino: It doesn't make a difference; you wouldn't get the building permit until it's paid.

David Steinmetz: One little technical comment on Paragraph 10. I think that day may need to be revised on the last revised date of the landscape plan. Your landscape plan is now last revised 12/22/06. I think that's it for the only things that we wanted to correct.

Chairman Cosentino: Is there anything else?

Ralph Vigliotti: Yes. Stan, I believe when we were talking about trying to preserve what was an urban forest: I think it's the property next door.

Chairman Cosentino: You're talking about Buckingham.

Ralph Vigliotti: I think the comments that we were sharing was on the Buckingham property.

Stanley Bernstein: Oh, you're right. Oh, Dave I apologize. I really do.

David Steinmetz: You get to make that comment when I appear for Buckingham. So just file that. I'll be back in two weeks.

Stanley Bernstein: Wait a minute; I'm all mixed up; because they are the ones who are going to bring in the concrete trucks and everything else on the wetlands. Not you. You're good guys. Sorry.

Chairman Cosentino: Now you know how to vote.

David Steinmetz: Did you just make the motion, Stan?

Stanley Bernstein: I just came in to Westchester County airport at 6:30, and I popped over here, so I'm confused.

David Steinmetz: Welcome back.

Chairman Cosentino: Since there is nothing else, do we have a motion?

**Motion: Stanley Bernstein**  
**Second: Joseph Morreale**  
**Aye: Stanley Bernstein**  
**Aye: Joseph Morreale**  
**Aye: Ralph Vigliotti**  
**Aye: Doug Hertz**  
**Aye: Vice Chairman Sturniolo**  
**Aye: Chairman Cosentino**

David Steinmetz: Thank you very much. It's been a pleasure.

Stanley Bernstein: You're problem is your representing both.

David Steinmetz: That's it. But this is done. I'll come back and we'll talk about urban forest next time. Brad was here last time, and we in fact are in the process of making a submission on that environmental issue to give you.

Chairman Cosentino: I hope you're next stop is as friendly as we are.

David Steinmetz: I appreciate you putting me first, because I have to go to the Town of Cortlandt to their Planning Board. They will never be as fun as this. I can assure you.

Chairman Cosentino: Let them know it.

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

**Present: Richard Rosen, Perkins Eastman**  
**Patrick Hewes, Saccardi & Schiff, Inc.**  
**Chuck Utschig, Schoor DePalma**

Nanette Bourne: This item is on in the next phase of the SEQRA process for you to adopt the scope that allows the applicant to begin the preparation of the draft Environmental Impact Statement. This scope has been revised based on comments that were received by the public and by members of the Planning Board. The changes that were made have been underlined, and if all that needs to be done tonight is to adopt it, the applicant may have some comments to make on the scope.

Patrick Hewes: Yes indeed. The first thing I'd like to say is that as requested, we have for your distribution an explanation of what the leadership and efficiency in environmental design is all about. We can certainly make more of these available, but we have certainly these for you tonight. Rich Rosen can speak to any of the questions that might be raised by leafing through that document to give you a sense of a single place where we do have a comment that I have shared and discussed with Nannette prior.

Nanette Bourne: Just cutting to the chase. At the last meeting, there was some discussion concerning green building technology. The Planning Board was asking the applicant what they were intending. The applicant stated that they intended to do a LEED Certified building. If you recall, I questioned whether or not that was really what they intended to do, and they told the board that they did, and they were doing a Silver Certified building. In previous conversations with the applicant's architect, they had expressed the difficulties of doing a Silver LEED Certified building. Nevertheless, it was represented. It's in here subsequent to that meeting. The architect called to get some background, and I briefed him that since he wasn't in attendance, it would be worth his while to come and explain what can be done, what is proposed, and what is anticipated. I think what they are requesting is a modification of what is currently in here and what they committed to, and explain what and why.

Patrick Hewes: Turning to the third to last sheet.

Richard Rosen: In here it explains the LEED ratings. I don't know if it was the last time or several meetings ago, when we first started discussing LEED Certification, we said that based on our experience that it is very difficult for a residential building to get as high a certification as say a commercial office building. And we said that we would try to meet the minimum standards for certification and that, if you look on this chart here, that would be in the range of between 26 and 32 points, which we thought was very do-able for this project. So I think really that's what our intent would be. We would meet those requirements for a certification in this residential building based on the new construction and code. A LEED standard, version two; we felt that's what we could do.

Doug Hertz: Part of the discussion, when we were discussing scope at the last meeting, was not just a discussion of what would be required to get to LEED silver, which is I think was represented to us, but what those steps would be and what additional steps would be required and could be accomplished to go to additional levels. Whatever we all come to, whether it's just certified level or whether you are at any of the higher levels, I think it behooves the board to understand what additional steps would be required, so we understand what would be reasonable for us to request or not to get to those additional certification levels. I'd still like to see that explored in the scope.

Nanette Bourne: What you may want to consider; instead of having this discussion right now as to what they can or cannot commit to, do exactly what you said and have them describe in the DEIS what they're committed to do, what it would take to go to the silver certification or any subsequent certifications. In essence I think you want to know what you're going to be missing out on.

Doug Hertz: Or what we could, in the horse trading that is this discussion, what we could request or not request.

Richard Rosen: I think if you look in these books and we could take the time afterwards and go through it. There is a very long check list which we used to start your analysis. I think part of what we have to do as a team and part of the DEIS is to go through every category. There are certain categories that you have to do right away. You can't sort of cherry pick only the ones that are convenient. You have to do certain things in terms of the site, water and energy conservation, air quality; things like that, and then I think what you'll find is that for different types of buildings; for bigger office buildings where you have different kinds of air changing systems that are sort of centrally located, it's a lot easier to them to work on that system than it is for individual apartment units for example. So I think in an office building you'd have a better chance of having more range in system selection than you do in residential, for example. I think what we could do is come back and say, based on all these categories, this is how we feel that we can achieve certification. We'll tell you why, what the trade offs were, what the difficulties might be; or maybe there won't be difficulties in certain categories. But I think we could actually include that checklist. And part of our analysis in the DEIS which we would have to do anyway to go for certification because it's all documentation that we have to furnish to obtain certification.

Chairman Cosentino: I wish we would have gotten these a little sooner.

Patrick Hewes: The third to last sheet has that checklist marked up as if it was submitted.

Ralph Vigliotti: In all fairness, was this prepared in 2005? Is this a boiler plate that you use?

Patrick Hewes: Yes. That is from counsel, and I simply bound it for you.

Nanette Bourne: It's on the website. What we're talking about, if you turn to Page 6 of the Scope and look at Item 8 close to the top, you're really looking at how you want to revise this in the Scope.

Vice Chairman Sturniolo: Patrick, when we were talking on the phone the other day you said you were going to present the letter of commitment for LEED Certification. Do you have that letter tonight?

Patrick Hewes: No. I think that's partially related to legal counsel for this project not being present, possibly, here tonight. I think it also relates to the fact that I think we talked about how that commitment with the DEIS is an exploration and a description of impacts. It's also a pledge to investigate, and the result of that investigation is in some ways this DEIS exercise. So to make a commitment before investigating and understanding what can and can't be done from the design standpoint based on this

checklist it's the cart before the horse. Now, what we want to do is to definitely respond to your request that the LEEDS question is integrated into the DEIS, but I believe that the language that we have in the DEIS gets us towards the issue which you have, which is to lay out and analyze and investigate what can and what...

Chairman Cosentino: A lot of investigations here.

Patrick Hewes: But I'm not sure that at this moment making a commitment we don't know what's going to happen when we investigate the design.

Vice Chairman Sturniolo: It's a shame you didn't tell me that on the phone last week when you committed to bringing the letter from your client, who stood before us, and said we are committed to a LEED Certification building. This Planning Board was counting on receiving that letter tonight, as you promised that it would be here. So, that letter is missing, and we are now being pointed toward a Certified Level, but without a color associated with it. And I think we haven't accomplished, in my opinion as one member of the Planning Board, in the various meetings that we've had since we first discussed LEED Certification, I don't think we've moved the ball as my colleague, Doug, had said, I don't think we've moved it further along in this certification process. One, the missing letter from a week ago, and two; now we're looking at 28, 32 points, and as Doug said, we're looking to move this thing up so we can get a color associated with it. And I think that's an important thing to accomplish, and by the same token I think it's a let down that we don't have that letter tonight that was committed to us.

Patrick Hewes: I apologize for that, and I think that the level question, I think was unfortunately a matter of language. At discussion time all of us had a recollection that the silver level was the base level for LEED, and factually we were in there saying this is a level called certifiable.

Vice Chairman Sturniolo: I'm not picking on the fact that there is an error, but everybody on your team made the same error that nobody realized that the silver level was not the bottom level?

Patrick Hewes: Yes.

Vice Chairman Sturniolo: Do you folks do a lot of business in LEED Certification buildings?

Patrick Hewes: As a planner, this is my first LEED project.

Vice Chairman Sturniolo: Well, okay; the attorneys, the architect, I mean, how could we collectively in this room have missed that point?

Patrick Hewes: I'd have to say that I'm deferring on the details of how LEED operates very much to the design team which is experienced in this matter. Rich can speak; I'm sure to many things that relate to what it is to build a LEED building.

Richard Rosen: There was my insert.

Chairman Cosentino: I think if you weren't sure you could have called Nannette.

Richard Rosen: My assumption, based on years of reading this stuff, was that it was silver, gold and platinum, and in going back and looking at this to see what the points implied, there was a certified level. Because I think when I was here three meetings ago or two meetings ago, I said we would make at least the 26 points that would get us silver. That was my recollection of my statement, so I misspoke, but we said we would get past the threshold if we could get beyond that. It's like diagnosing a patient, we have not sat down; because we have been involved in this process, we have not sat down and gone through every system and every material on the building. For instance, we've been interviewing contractors to help us monitor the types of systems and the types of materials, and part of our question to them was, have you done a LEED Certified building, and will you commit to being part of the documentation process? A big chunk of this not only occurs in the design, but it's also in the site management during the construction, waste management, where do you get your materials from, how far they are shipped, all that kind of stuff. And so, I'm saying we have the intent. Our process has been guided by doing what we said we would do several weeks ago. The contractor selection is almost as important, if not more important, because they have to actually finish the documentation and that enables us to file with the USGBC to be certified. It's a very big. It's almost like another EIS if you will, with the USGBC. It's a big book and they have to verify this and check all the sources and documentation and certifications. We've been working on that process. So, the intent was to always be certified to reach the minimum level, and if we could, do whatever we can beyond that.

Vice Chairman Sturniolo: That's the point that Mr. Hertz brought up; let's not look at that minimum level as the benchmark. Let's look skyward.

Chuck Utschig: In order for us to understand where we can get some of the points in the checklist; it literally is kind of a checklist; these are the place where you get certain points on. We've got to get further into the design. So maybe the way the language could read in the Scoping Outline, and then be expanded with DEIS is that we talk about a LEED Certification, exploring the areas where we know we can get points, and kind of identifying where the different bars are. So in order for us to accomplish the next level, we have to get these many points, and here is potentially how we could do it. I think what we want is the opportunity to get through that process for you, and then we can say to you, we're short by four points because this, this and this. So it kind of answers the question of what is it going to take to get to the next level? We don't want to commit to it because we really don't know what those points are. But we'd be glad to go through the analysis, explain them to you, identify them, and then this board can decide if the bar is too high, those are the things we should be going after. But the DEIS gives us an opportunity to explain that to everybody.

Vice Chairman Sturniolo: But the DEIS gives you the opportunity to explain LEED Certification, but not to the inth degree that you are now trying to achieve with your various vendors, sub-contractors and suppliers to be able to commit to LEED Certification. As you said, that's a big volume of work, separate and apart from the DEIS, which is going to refer to LEED Certification. But the nuts are bolts are going to be in your big volume.

Richard Rosen: And I think that by agreeing to obtain certification we've already committed to a process and how far we can push it will only happen as we go through. For example, a LEED point can be obtained for having a bicycle rack for employees and a shower near the bicycle rack to encourage people to drive to work. On our site, I sort of defy anyone. I mean we could put a bicycle rack in there; does that make sense for our staff or anybody coming in going to ride up there on a bicycle every day? Those are things that an urban building would do.

Doug Hertz: Westchester County train on Kisco Mountain, train their bike guys, and every year there is a ride up the mountain for the trainees and it's pretty comical. So they could go off road and continue through the property.

Richard Rosen: It's those kinds of things that we would get more specific on as the building develops further; because we haven't looked at every system and every material yet.

Doug Hertz: I'd like to see a commitment to LEED Certification generically at this point. We do have approval power. We could decide after looking at the information that LEED Silver is the minimum that we would accept for this sensitive of a site.

Vice Chairman Sturniolo: Absolutely. It's only a draft.

Chairman Cosentino: Any ideas on that Nanette?

Nanette Bourne: Again, I go back to what is written on page six, and whether or not you want to modify that to say "use of green building technologies including commitment to being the points for LEED Silver, or how would you like to qualify that? Or you could just leave it the way it is.

Doug Hertz: At this point it's a discussion.

Vice Chairman Sturniolo: I would like to leave it.

Doug Hertz: If they're not writing a commitment letter, it's a discussion point anyway.

Vice Chairman Sturniolo: I'd like to leave it stronger.

Chairman Cosentino: If you just leave it the way it is. Tony's right, it is stronger.

Doug Hertz: It's certainly in the record multiple times that the applicant has misspoken or not, as committed to getting LEED Silver. So it's something we can either hold them to our let them off the hook on if we find the bar is too high.

Chuck Utschig: Basically it commits us to discuss the LEED Certification to that level, and if we find ourselves getting to a point where we have difficulty in accomplishing

that, we'll be forced into DEIS and describe those difficulties and explain to you why we can't get there. That's what happens. It may go the other way.

Vice Chairman Sturniolo: It may be the other way and you want to go for enriched platinum level or dialithium crystals from Star Trek.

Joseph Cosentino: Let's just leave it then, is there anything else?

Vice Chairman Sturniolo: The other point I was going to bring up is Page 17, Chapter 18, and Letter B. Do we need to bolster that sentence; paragraph?

Nanette Bourne: About the alternatives?

Vice Chairman Sturniolo: Minimize the potential impacts on the environment during construction and operation.

Nanette Bourne: I would rather the full discussion of LEED's be where we can discuss it on Page 7, so that it's up front. This is fine; this chapter is typically not a weighty chapter. I would actually like this to be left in here, but the meatier discussion to be up front.

Vice Chairman Sturniolo: Okay, fine.

Nanette Bourne: A question the project description discusses your request to increase the maximum length of building, and it's in here as increasing beyond 150 feet. I was asked earlier what your current proposed building length is, and didn't recall.

Patrick Hewes: It's not a straight line. Its two wings.

Nanette Bourne: What is your request for the zone change? The text amendment is to what length?

Patrick Hewes: The words are in excess of 150 feet.

Nanette Bourne: I realize that, but in excess to what?

Patrick Hewes: We actually don't describe that. We don't say up to. .

Nanette Bourne: Your text change has to ask for a maximum building length.

Whitney Singleton: Or alternatively, if you're going for a variance you're going to have to describe a degree of the variance for which you're seeking.

Nanette Bourne: Your text change has to have criteria.

Chuck Utschig: I don't know. If we have a building length, could we give you that number? I think there is a little bit of a question as to exactly how we would measure it. We want to make sure we do it to according to how the code says, and because we have this shape building, we want to make sure we get it measured right. So could we add that piece of information and let us come back to you with it?

Nanette Bourne: Yes, because that has to be part of the project description.

Chairman Cosentino: Nannette, are you on the bottom of page one where it says 150 feet?

Patrick Hewes: You're really saying rather than having language which says anybody in the future that would read this code; they would have a building that would be in excess of 150 feet that would, therefore, need to do the thing that is spoken here. You would really prefer that it says in the code for any future project of 150 feet or more, that that length be specified.

Nanette Bourne: That's typical in zoning law.

Ralph Vigliotti: What is the length you're proposing?

Richard Rosen: It's not just a straight line, but as the crow flies it is about 580 feet from there to there. These are about 240 feet, and then the center section.

Nanette Bourne: Are they connected?

Richard Rosen: They are connected in a one-story structure.

Doug Hertz: It's one building.

Richard Rosen: This is 240, that's 240.

Stanley Bernstein: Don't measure on this. Measure center line from the outside, where it intersects with the center line. Let me show you. Proper measurement of this is, extend this line here, extend this line here, get the center line of the building and measure here and here to where they intersect. That is the accurate measurement of the length of that building. It's as if you took this and opened it up and made a straight line out of it.

Richard Rosen: This is very high tech.

Stanley Bernstein: Yes, it is very high tech. That's the way a draftsman would do it. Eye the center from here to here. What scale is this?

Richard Rosen: 50<sup>th</sup>.

Stanley Bernstein: I'll give you a little bit extra here.

Richard Rosen: Thank you. That's 300.

Stanley Bernstein: So you have 600 feet.

Nanette Bourne: I would confirm that with Austin.

Stanley Bernstein: I am aware that Austin would know the proper way to measure a building, to measure anything as a matter of fact.

Nanette Bourne: The footprint of this building is what; the footprint and the square footage?

Richard Rosen: The square footage is approximately 177, whatever the agreement was. The footprint is something like 69,000 square feet.

Nanette Bourne: So the foot print is approximately 69.

Richard Rosen: And the overall square footage is about 177; whatever the limit was in the agreement.

Doug Hertz: But there is both a foot print and the square footage in the agreement, correct?

Nanette Bourne: Yes.

Doug Hertz: It's been awhile since I've seen those numbers.

Chuck Utschig: We're within both those numbers.

Doug Hertz: As part of this, because this brings up the same thing, on Page 17, Chapter 19, the language in there. This chapter is Alternatives to the Proposed Project, and the alternatives are "a" no action, "b" single family, "c" development of the site as non-residential, "d", alternative building mass that eliminates the need for a tax change for building length includes sketches, photo op. I would like to see, because it's been represented over and over again, and based on the agreement of square footage and that it's probably going to be very difficult without breaking this up into multiple small buildings which the applicant has stated, does not fit their criteria, that we are going to see something along within 150 feet, but we've discussed whether the 600 feet is really necessary. So I'd like to see either another alternative in here. I'd love to see this alternative discussed, but I'd love to see another one that says alternative building mass that reduces. I don't know how to phrase it, but basically that reduces the length of the building.

Chairman Cosentino: From 600 square feet to maybe 400.

Nanette Bourne: I think it has to be very specific so that they know where to go with this. And what you're really talking about is...

Doug Hertz: What I'm talking about is the alternative that I asked about two or three meetings back which is the possibility of not making the building so linear, but to use across the face, which essentially is parallel more or less, with a grade, which is more or less parallel to Kisco Avenue, but something that used the depth of the site and

therefore, hid some of the facades or the face of the building from the village; something that would use a smaller distance across the front and greater depth.

Nanette Bourne: You want the depth as opposed to the height?

Doug Hertz: I want the depth as opposed to the height and/or the length. The only thing that could be hidden on the site is the depth, because the building would hide itself.

Nanette Bourne: So an alternative building mass that reduces the need for text change for building length by increasing the depth of the building mass?

Doug Hertz: Yes, if we can agree what depth means on the site.

Richard Rosen: Can I just make a comment from a practical point of view? If the agreement states that there are a limit to the number of units, and to the number of one bedrooms and two bedrooms, and to the total square footage; in order to achieve that so that you meet code requirements for light and air and exposure to the outside, you're going to need a certain linear footage of building per each of those.

Doug Hertz: I completely agree with you, but if you had a building that was shorter across the face than what you have now you would have "I's" that go back. If those "I's" were longer or deeper, and had more units in the depth of the site, it would reduce the need for the width of the building; what we're calling the length of the building.

Chuck Utschig: As long as we can agree on the parameters in which we're trying to frame this alternative; that it's do-able. You'll see in the discussion of the alternatives relative to this site, there are... let's call it a downside to that change because of the... From our perspective, we just want to make sure we know what you want us to study.

Ralph Vigliotti: I want you to study decreasing the number of units so you can decrease the size. Let's get right to the chase here.

Nanette Bourne: That's Item E?

Ralph Vigliotti: Gentlemen. The building is too big. No matter what you do, the envelope is much too big for the package you're trying to deliver to that site. I know there are steep slopes, you have disturbance of the land and so on and so forth. You have too many units. This building is too big. You can make a profit. Sit down with your accountants. You have too many units. You need to do some homework here. You have too many units to make these 600 feet long. I don't know how many feet Target or A & P is, but I know this is longer than that building on that mountain. You can accomplish your goal, but you may not get the number of units you need or you want. Not what you need to make a profit. And I don't want to be held hostage here. As one Planning Board member and I've always said it the way it needs to be said in this Planning Board. You have too many units. Whatever arrangements were made with the Village Board, when you start to come before this board we have to do the right thing by this village at large. On that property there are steep slopes, driveways going up, traffic; and I think traffic is probably the least of all the issues. What are we discussing here? The impact is what we're discussing. No matter how many ways we shape this shoebox, it has a visual impact, and it's not going to change. It's too big. And I'll just leave you with that.

Chairman Cosentino: Anybody else?

Nanette Bourne: Maybe if you can go back and make one adjustment to Item B; if we talk about an alternative building mass that reduces the length of the building along Kisco Avenue by approximately 50%? I'm just pulling the number out of the hat.

Doug Hertz: I'm not sure.

Ralph Vigliotti: I'm not sure either, but I'd like to see if X number of units is giving you this size, what is X Y number of units going to give you to another size? That's what I'm looking at. I know where Doug is coming from; the building visually, in the length that you have, is much much too big of an impact. And whether you go this way or you kind of go off in eight different directions, you're still going to have the mass. I think you have to take a real close look at it. I've been on this board four years, and every single developer that has come past this board has worked with us to reduce sizes of structures. Everyone comes in with a number, and that number has an impact on the properties that are left in the village and the green space that's left in the village, and I think we might be able to accomplish something by sharpening your pencils a little bit.

So, I don't know if it's 50 percent; maybe its 30, maybe it's 25, I honestly don't know. I'm not looking for 50%, I'm just looking to see that building shrink.

Nanette Bourne: Again, just looking at the building mass, reducing it by 50% of which would push it back, and then second would be reduction in the size of the intensity of the use.

Doug Hertz: I suppose an arbitrary number like 50% creates an exercise they have to look at. I'm open here as to what we should do. Because if 50% is too much and it requires a discussion that brings you into a whole different area. If you can well accommodate 25%, 30%, but with a shift of this design, or a tweak of this design, at 50% you would go to a complete redesign throw this out and start over, which may not be feasible. I don't know what the number is that is logical to ask or the language.

Stanley Bernstein: Wouldn't you say 19E covers that fairly well? Doesn't it limit you to a percentage, but it does require a discussion of a scaled down alternative? In order to scale it down the number of units will have to be dropped, and it doesn't limit them to a percentage.

Nanette Bourne: Not necessarily.

Doug Hertz: I'm not even suggesting they drop them. I'd like to look at an alternative that honors the agreement in square footage only because there's an agreement. And I think "E" is the true scale, the version of an entirely smaller thing, and it may be smaller in units, smaller in square footage, smaller in foot print. But I'd like to see a realistic "D 1" that reduces the light. And I agree that I'd like to see what Mr. Vigliotti is asking for to be discussed as well, which I think can be accomplished under "E", which is a scaled down version, which is exactly what has been requested. I think we need to look at an alternative that reduces this length. That to me is the single biggest hurdle in the visual impacts of this building. I understand the discussion of how this building roof line shifts; of how the building is broken up. But, again, it's broken up primarily by moving it towards the street, making those L's work. If some of those units moved towards the back of the lot, if you could begin to shrink the length of the building overall, and maybe it is feasible. Maybe it needs to be looked at harder. And that's what I'd like to do. So we need to craft some language to make that work. And I'm looking your way.

Nanette Bourne: The language I crafted, I specifically put in approximately 50% because it could be 50 is not feasible, it's 40 or its 30. And it gives them a leeway to come back.

Chuck Utschig: Typically what we do in trying to come up with these alternatives is sit down and try to sketch up some reduced length and get our hands around what the impacts are as you start to twist it on the site. But we need some guidance so that we're not shooting in the dark as to what we're trying to accomplish.

Doug Hertz: Here's the guidance. The code currently says 150 feet, and you're talking 600 feet.

Chuck Utschig: Correct.

Doug Hertz: The guidance is a lot less. That's the guidance. I think 50% is a good shooting point.

Chuck Utschig: We can go study that. Part of the exercise here from our perspective is simply to define these alternatives so that we know what we're going after and send us back to the drawing board and do the studies. And if it's a reduced density alternative, so be it. This board has the opportunity to tell us what alternative.

Doug Hertz: It was told to us, I don't know by which member of your team, earlier on in this discussion some number of meetings back, that we would be convinced that this is the correct design for this building. Alternatives were already looked at that used the depth of the site mark. Now if that work has been done, all you have to do is show it.

Chuck Utschig: There's a lot of it that has been done. We know that there are huge consequences.

Doug Hertz: But I do want to be convinced that this is the best because I'm not yet.

Nanette Bourne: So what you're discussing "D" would be left in there.

Doug Hertz: "D" would be left in there, and there would be another "E" or "F."

Nanette Bourne: Now, Ralph, going back to "E." Is there a change you would like to make to that?

Ralph Vigliotti: We talked about scaling down the number of units. This says scaling down the alternative including reduced and disturbance to imperative surfaces. I'd like to take a hard look at scaling down the units which we know in turn will scale down the impact on the property and the visual impacts and so on and so on. Unless you can show us otherwise that we're not going to have that kind of visual impact, and I don't think you can.

Nanette Bourne: So you'd like this modified scaled down alternative including...

Ralph Vigliotti: A reduction in the number of units.

Nanette Bourne: Okay; reduction in density?

Ralph Vigliotti: I think reduction in number of units says it as opposed to reduction in density. What does that really mean?

Nanette Bourne: Density would be the number of units.

Ralph Vigliotti: Okay, fine.

Nanette Bourne: And density reduced land disturbance.

Ralph Vigliotti: Impervious surfaces, deep slopes and so on. The project is going to happen in some form, and I think when you're all said and done it's going to be something that we'll both be proud of. This is part of the process; to do this. It's actually the last piece of land in Mount Kisco that is going to have this type of use on it.

Chuck Utschig: We're here to do what you set us out to do.

Ralph Vigliotti: I know, but I'm just sharing that with you.

Chuck Utschig: I don't know that we agree with you in terms of density. I think we'd like to demonstrate what the visual impacts are. We'd like our turn at demonstrating what this building will look like. And maybe at the end of the day we prove to you that this is the right thing to do. I'm not saying it is, but basically you're sending us off to do that work. And we're anxious to go do that.

Nanette Bourne: So if there are no other changes to this, you can adopt this by resolution and I'll make these changes, send it out to involved and interested agencies, put it in your packet for next time, and they're off.

Chairman Cosentino: So you want to adopt this then?

### **Adoption of Draft Scoping Document as Amended Tonight**

**Motion:** Doug Hertz  
**Second:** Vice Chairman Sturniolo  
**Aye:** Doug Hertz  
**Aye:** Vice Chairman Sturniolo  
**Aye:** Joseph Morreale  
**Aye:** Ralph Vigliotti  
**Aye:** Stanley Bernstein  
**Aye:** Chairman Cosentino

**Conceptual Application: Sprint Spectrum**  
**128 Main Street**  
**Application No: PB2007-01**  
**Present: Daniel H. Braff, Snyder & Snyder, LLP**

Daniel Braff: Good evening Honorable Chairman and members of the board; Daniel Braff from the law firm of Snyder and Snyder. As you can see from the materials we provided; the site plan, we are here for a conceptual review on a proposed personal wireless services facility. This facility will be located on the roof of the existing building located at 128 East Main Street. The facility will consist of 9 panel antennas mounted in a self enclosure above the existing mechanical penthouse, and in addition Sprint will be locating equipment cabinets at the rear portion of the roof. This is for Conceptual Review, and we're really here to hear your questions and comments and address them in full Application for a Special Permit.

Chairman Cosentino: The panels will be on the roof?

Daniel Braff: The panels will be located inside a self-enclosure on top of the roof. I have photographs.

Chairman Cosentino: How high will the antenna be?

Daniel Braff: The top of the enclosure is proposed at 55 feet; a little over 55 feet.

Chairman Cosentino: The antenna will be 55 feet up?

Daniel Braff: It's actually within a self-enclosure. I think it will be easiest to look at these photographs.

Doug Hertz: I'm curious. Can you explain why this location?

Daniel Braff: Sprint currently has a significant gap in coverage in the Main Street portion of the town. They currently have a site to the south in the overlay district, and a site to the north in the northern overlay district. They need this site to provide coverage in the downtown area.

Doug Hertz: Can you tell us what those two sites are?

Daniel Braff: Lexington Avenue, 304 Lexington Avenue at a height of 115 feet, and 5 Green Lane in Bedford is providing coverage to the north of the village.

Vice Chairman Sturniolo: So predicated on that, that's how you're kind of waltzing around the Telecommunications Act of 1996 and co-location?

Daniel Braff: Correct. And a site is necessary in this portion of the village to provide coverage to remedy this gap. The code does require Sprint to examine the overlay district. We will prepare that report in a full analysis, and that will be submitted as part of our special permit application. If there are any particular locations that the board can think of at this point, that might be helpful as an alternative. We think this is the best site. We don't think it's aesthetically intrusive.

Ralph Vigliotti: You really don't think so?

Daniel Braff: I don't.

Ralph Vigliotti: This standing 55 feet above one of the highest buildings in town will not have any aesthetic impact on the downtown?

Daniel Braff: I think with the self-enclosure painted to match, I think it blends in nicely.

Ralph Vigliotti: Blends into what nicely?

Daniel Braff: Into the existing buildings' the existing penthouse.

Doug Hertz: You're not proposing 55 feet above the existing building?

Daniel Braff: No, a maximum height of 55 feet. I apologize.

Ralph Vigliotti: No, you did say above.

Daniel Braff: 55 feet above grade, correct.

Doug Hertz: Looking at the plans, I'm unsure where the exiting penthouse ends on this drawing.

Daniel Braff: Top of penthouse, so that's existing. It's actually angled. So it's at 48 feet. So they're proposing eight feet above the current height of the building. This enclosure this cap will be eight feet above the existing penthouse enclosure.

Doug Hertz: Seven and a half feet.

Chairman Cosentino: But the antenna is going to be 55 feet up, right?

Daniel Braff: No. The antennas are located within this enclosure. It would be invisible.

Chairman Cosentino: I didn't see that.

Vice Chairman Sturniolo: Within the max of eight feet.

Chairman Cosentino: I understand that now.

Daniel Braff: If you want to open up to Photo Location One, that's the easiest. This is existing, and the second is proposed. You can see this little addition. That's exactly what it is going to look like.

Vice Chairman Sturniolo: I have a couple of other questions. This is conceptual, but you'll be proving to us that this meets FCC Standards?

Daniel Braff: Correct.

Vice Chairman Sturniolo: And is this ionizing or non-ionizing radiation?

Daniel Braff: We will be submitting a full health and safety report as part of our special permit application.

Vice Chairman Sturniolo: And per meda square what is the power output?

Daniel Braff: That is something I'm going to have to confirm for you.

Vice Chairman Sturniolo: And, also, we'd like to see power output with all the antennas on the transmit, and see if it conforms to the industry standards of 550 microwatts per centimeter squared.

Doug Hertz: Do you have e-mail on the ship?

Vice Chairman Sturniolo: Yes.

Chairman Cosentino: I'd make sure of that.

Stanley Bernstein: Any thoughts of a future co-location?

Daniel Braff: In this enclosure I don't believe so, but that's something I have to confirm.

Stanley Bernstein: Yes. Confirm that. In other words, you're right now proposing Sprint only.

Vice Chairman Sturniolo: Almost all of the competitors go in this area, about 9 antennas that are dual transmit and receive simultaneously.

Daniel Braff: That's another issue that I think would be best to flush out at this point. As far as the bulk; although the antennas, because they will be located above the existing building within the building lines; there won't be exacerbating any setbacks, but they do not meet the setbacks within the code. I'm not sure how the Building Department is going to treat that, but it may require area variances from the Zoning Board. In addition, the code has a preference to not extend the height of an existing building. In this case, it's an exception because we're actually building a self-enclosure. It's not standing antennas, we're blending in with the existing building. But that may also require a variance from the Zoning Board. And the facility is actually located within 500 feet from an existing residence, and that may require an area variance from special permit criteria as well. I'm not sure if this board will refer to the Zoning Board after a full application for Special Permit approval be submitted.

Chairman Cosentino: Actually you'll have to be denied by the Building Inspector first, before you do anything.

Nanette Bourne: He has to have a full application.

Daniel Braff: A full application before this board?

Doug Hertz: Yes.

Vice Chairman Sturniolo: What is the relationship between Sprint and Verizon on this application? I noticed on one of the drawings the word Verizon appeared a couple of times.

Daniel Braff: I believe they are providing existing Telco to the site, to the building as it exists now. I can confirm that for you.

Vice Chairman Sturniolo: Thank you.

Doug Hertz: Does the Village still have the antenna up on the water tower?

Whitney Singleton: Yes.

Doug Hertz: I'd like to know if Sprint has looked at the existing location that other providers are using.

Daniel Braff: Where is this?

Doug Hertz: On the Village's water tower, which is what other providers have used to cover these gaps.

Daniel Braff: Do you have an address?

Vice Chairman Sturniolo: Mountain Avenue. Locally referred to as Capt. Merritts Hill area.

Doug Hertz: It's a Village facility, the Village's water tower atop of Mountain Avenue.

Daniel Braff: Is there a pole adjacent to that?

Doug Hertz: There is a pole.

Daniel Braff: Do you know what the status of that pole is? Is that something you'd like us to look at as well?

Doug Hertz: Is that part of the overlay district?

Daniel Braff: I believe it's outside of the overlay.

Whitney Singleton: I don't think it is in the overlay district, but there's an existing provider at that site which is Cingular/ATT.

Daniel Braff: We can examine the water tank and the pole if the board would like.

Ralph Vigliotti: At St. Mark's Cemetery, I guess you are aware, there is a pole.

Daniel Braff: We are located on that pole.

Vice Chairman Sturniolo: And you're on the one up by North Bedford Road by the Parkway.

Daniel Braff: Right. Green Street.

Ralph Vigliotti: The independent fire house was not tall enough?

Daniel Braff: Is that in the overlay?

Vice Chairman Sturniolo: No it's not.

Daniel Braff: It would be the same issues for the site, but I can take a look and see what the status is.

Doug Hertz: But it may have certain advantages and distance away from residents.

Daniel Braff: This isn't a commercial building. They are located central in the town, that's why.

Ralph Vigliotti: What types of lease agreement would you be looking at? Is this a 99 year lease or 50 year?

Daniel Braff: I'd have to confirm that for you. Typically Sprint withholds that information, but I can see what information I can bring.

Whitney Singleton: Is there a distance where there would be from the residential use that would be prohibited by Federal regulation, or would it be deemed unsafe?

Daniel Braff: Not if the cellular was compliant with the FCC regulations regarding our phonations. This site, I believe, will be in compliance. I'm not our emissions specialist, we are going to prepare that report, have that prepared for you and submit that as part of our application.

Whitney Singleton: So there is no general standard as to how far away...

Daniel Braff: No there is not that I am aware of.

Whitney Singleton: You mentioned that this is a commercial building. You do understand that presently there are residences probably within twenty feet of this facility?

Doug Hertz: In that building?

Whitney Singleton: In the adjoining building, adjacent to the shaft. The shaft is on the southern end.

Daniel Braff: Clearly that is something Sprint will have to look at. And that would be to the south of the building, on the same side of the street?

Whitney Singleton: Yes. They share a common wall.

Vice Chairman Sturniolo: Also, would you be kind enough to provide for us a map drawing, schematic, whatever, showing the areas where Sprint believes they have a void in coverage.

Daniel Braff: Yes. That will be part of our full, our radio frequency analysis including the alternatives analysis for any of these; the pole and the water tank. We'll provide you with coverage maps from those sites.

Ralph Vigliotti: Now, within the enclosed unit will there be absolutely no wires attached to the outside poles, antennas in the future?

Daniel Braff: I don't believe so. I can confirm that for you.

Ralph Vigliotti: Yes. What you're showing now is basically four bare walls.

Daniel Braff: It's all within.

Ralph Vigliotti: All within. Okay.

Daniel Braff: And there will be supporting equipment to the rear of the building. The radio cabinets.

Ralph Vigliotti: And, at some point, if you could show a roof plan with the existing enclosure that's there with the cap of the tree.

Daniel Braff: We do actually have that. That is in the plans.

Vice Chairman Sturniolo: I don't believe the plans call out for a description of how the facility is grounded and where it's going to take place on the property.

Daniel Braff: That is nine panel antennas. In my cover letter, we indicated six panel antennas, our design was actually nine. This is where the equipment where will be going, the cabinets, and this is the enclosure.

Ralph Vigliotti: So the cabinets that are going in, what's the height of those cabinets?

Daniel Braff: Elevation, I believe it says 38 feet. It's actually lower.

Ralph Vigliotti: Now, let me go back. 38 feet from grade.

Daniel Braff: From grade. Correct. I'll keep that clear.

Ralph Vigliotti: Because you've got me going here.

Doug Hertz: You've got a cut sheet of the side of the building. The side of the building shows that pretty well.

Daniel Braff: So this is the cap enclosure, the antennas will be located internally, and these are the radio...

Ralph Vigliotti: Could they be installed to the center of roof as opposed to the corner where they're not as visible? It's something that we can look at the visual impact, because they're at that corner as opposed to being set back.

Daniel Braff: It is set on a lower roof; it would actually obstruct visibility from Main Street, so that's something we could look at.

Ralph Vigliotti: Would you be building; I wouldn't call it fencing... a façade that you would not see these units?

Daniel Braff: A façade is not proposed at this time, but that's something we could look at.

Ralph Vigliotti: We've had a problem in the past with roof-mounted air conditioning units. This is kind of very similar.

Daniel Braff: It is. It's probably smaller.

Ralph Vigliotti: It's certainly not something that we visually want to have.

Daniel Braff: So, explore a façade at the rear of the building.

Joseph Morreale: The second unit, the one you were just describing, is that the green unit here on the top, or is that the chimney of the building that's existing? I can't tell.

Daniel Braff: That's existing.

Joseph Morreale: So, where would the second one go?

Daniel Braff: Enclosure with the antennas? This extension. And the actual cabinets are actually behind it, at this point. It's on a lower...it's not visible from this location.

Joseph Morreale: I see. When you talked about, a fence or a wall in the back or a façade of some type, in the back...

Daniel Braff: It would just be at the rear, because the penthouse actually obstructs views from entry.

Chairman Cosentino: Any other questions? Okay.

Daniel Braff: Thank you very much. We'll submit a full application addressing all of your comments. On the agenda it says there were comments by Mr. Cassidy, I don't have a copy of them.

Chairman Cosentino: Here, I'll give you a copy.

**Conceptual Application:** **Domino's Pizza**  
**130 N. Bedford Road**  
**Application No. PB2007-02**

**Present:** **Anthony Maestri, Owner, Maestri Enterprises**

Anthony Maestri: My name is Anthony Maestri.

Chairman Cosentino: You're here as a conceptual, and you want to put a Domino's Pizza right in the rear of Boston Chicken. We've read your paperwork here. I just have a few questions. You state in your paperwork you are going to have 14 people working here at one time; 14 employees.

Anthony Maestri: Potentially, during the Friday evening rush.

Chairman Cosentino: I want to read what you put down. How are they getting to work?

Anthony Maestri: They would mostly either drive or they would... we actually have neighboring stores in Ossining and Cortlandt Manor, we have some people that take mass transit and we would pick them up.

Chairman Cosentino: If you have 14 cars and 10 delivery vehicles, that's 24 vehicles, right?

Anthony Maestri: Yes.

Chairman Cosentino: Where are you going to park all of these cars?

Anthony Maestri: Well, to use my Ossining store and Cortlandt Manor stores as examples, a lot of people get to work by either walking if they live close by, or by bus, and we actually pick up some people at the train station ourselves; particularly the people we are employing are hourly employees, and a lot of them necessarily don't even drive.

Chairman Cosentino: I think what we need to do is find out how many parking spaces there are behind there for these stores, first of all. They had a diet place back there, LA Weight Loss. I know there weren't many in there at one time. So say 20 cars, 15 cars; I don't know how many parking spaces are back there.

Anthony Maestri: There are quite a few, but can I help to resolve this concern?

Chairman Cosentino: Sure, that's what you're here for.

Anthony Maestri: Our business is predominantly delivery, and when I say these particular employees are delivery personnel and constantly coming in and out of this door, literally just driving in, picking up an order, at least two orders usually; I am definitely very conservative on my projection of 1.5 orders, we have been averaging a little bit more than two orders per run every time we leave the stores in Ossining and Cortlandt Manor. Once business starts to slow down it is customary in our business; once someone's been working three to five hours, if it's slow, we start sending people home, first in, first out. We don't have delivery personnel just standing around.

Chairman Cosentino: They own their own cars, is that it?

Anthony Maestri: Yes they do. And most of them are pretty much it's their second job, or it's a part time job; then we have a few people working full time. But a lot of my employees work three, four hour shifts in the evening just to pick up some extra money.

Chairman Cosentino: What other businesses are back there?

Anthony Maestri: A French pastry Anjou, and Boston Market up front. If you see, my projected trips are based on the average of my city stores; my stores in Manhattan as well. Our business is pretty much spread out; we do more of it between the hours of five and eight.

Chairman Cosentino: I'm only going by what you said. If you'd have put five, I would have been happier. You must be an honest person.

Anthony Maestri: Yes, five employees? I'm extremely honest with everything I say.

Chairman Cosentino: The way you put it, I'm putting 23 cars. 23 cars is a lot over there.

Anthony Maestri: I don't see that whatsoever.

Chairman Cosentino: If you had put five I would have felt better.

Anthony Maestri: There is not going to be 14 people inside my store at one time at all. There would be more like four people inside my store, and the delivery personnel are constantly out there on the road making deliveries to residents in the area, and as I stated, once things slow down...

Chairman Cosentino: I think it's a good spot. I think you'll do well there.

Anthony Maestri: Visibility wise, I'm having a hard time accepting the ordinances and the signage requirements of the town, where to have a small sign in the front or just take out.

Chairman Cosentino: Most people will have to think twice to order a chicken and go home with a pizza.

Anthony Maestri: That's what I'm thinking. And based on my proposal, I don't think I'll be adding a lot more additional trips, because I do feel there are going to be a lot of kids

in families, when they say, "hey lets go get Boston Market," and they'll be one or two kids that say, "well, I want Domino's Pizza," and the mother or father going out to pick it up will just park once.

Chairman Cosentino: Boston Market does a good job here.

Anthony Maestri: Yes they do. I've been analyzing. I've been there. I've been spending many many hours analyzing every day of the week and every time of the year starting from late November. I see how they do when it's raining; I see how they do when it's sunny and warm.

Chairman Cosentino: The only question I have is about the cars. I had to question it because I see the amount of cars there.

Anthony Maestri: There are some times it seems a bit congested. Just like Boston Market, at Dominos Pizza we have a fast in-and-out process. Where, most customers are actually up ahead of time and saying I'll be there in ten or fifteen minutes, and we have their order waiting for them. Customers that would come in and wait... it takes eight to nine minutes, literally, almost as long as it would take to stand on those lines at Boston Market.

Chairman Cosentino: I don't have a problem with it. I don't know if anybody else has any questions.

Stanley Bernstein: Where do your delivery personnel leave their cars when they are out on deliveries?

Chairman Cosentino: They use them.

Stanley Bernstein: They use their cars to deliver?

Anthony Maestri: They use their cars, yes.

Chairman Cosentino: That's what I was trying to say; answering the question that there may be ten cars, but these ten cars are on the road.

Stanley Bernstein: They're moving.

Doug Hertz: You're not using a fleet that you own?

Anthony Maestri: No, not at all. Years ago...

Chairman Cosentino: So the ten cars that come in, they are going to be on the road to deliver, so you're really not going to have ten cars. He is too honest.

Anthony Maestri: It's constant in and out. It's constant transience. Well, honesty is the best way, that's what's gotten me where I am right now in life, and I feel it's the only way to be. If it's not feasible to the board and such, then I'll continue looking elsewhere.

Chairman Cosentino: As one member of the board, I don't have a problem. I think it will work there.

Anthony Maestri: I know there was a Domino's years, years ago behind the Gap. That was before I moved up in this area about eight to nine years ago. It was in not such a good location, and it was before the massive boom of population that has occurred here, as I was part of.

Chairman Cosentino: You have five or four places?

Anthony Maestri: Yes; three in Manhattan, one in Ossining and one in Cortlandt Manor.

Chairman Cosentino: This will be your best.

Anthony Maestri: I hope so. I have a goal. My goal is continue to build more stores until I have one that loses money. So I am hoping that this one will not be that one.

Chairman Cosentino: It won't be.

Ralph Vigliotti: How many parking spaces are back there?

Doug Hertz: Even with five pizzerias in town?

Anthony Maestri: My Columbia University store is 29 mom and pops, and we have Papa John's there and everything, and I've been there since 1994, and my sales are still positive every year. As long as you do a good job and you treat your customers and employees well, you should be able to do okay. Every town says that. I was sitting back there with a couple of young ladies, and they stated, another pizzeria? There is so much pizza here. And, everywhere you go everyone says that about their town, and my response is there is always room for one more.

Chairman Cosentino: Well, you're going to have the name too.

Anthony Maestri: Yes, I do have the name.

Stanley Bernstein: Did you get Austin Cassidy's letter with his comments?

Anthony Maestri: No I did not. Nothing was mailed to me.

Chairman Cosentino: I'll give you as Austin mentioned automobiles also, but what he didn't mention is what you just mentioned, that ten cars that are going to be parked there will be on the road.

Anthony Maestri: Yes.

Chairman Cosentino: Understand what you did. You put 23 cars, but not saying where ten of them are going to be.

Anthony Maestri: How do you come up with 23 anyhow with nine plus four?

Chairman Cosentino: Ten and 13 is 23.

Anthony Maestri: How do you come up with that many? Fourteen employees would be 14 cars, the max, and I don't see that happening at all.

Stanley Bernstein: And what about pickups. There will be a few cars for pickups, even though there is constant movement.

Chairman Cosentino: I counted 14 employees.

Anthony Maestri: Oh, and then you thought they were all coming with their own car. No. Dominos moved away from that about 20 years ago. It's not economically feasible for us. You give someone a car, as they go; you know what they're going to do with it.

Ralph Vigliotti: How many parking spaces are to the side, in the front of Boston Market?

Anthony Maestri: There are quite a bit on the side. They are up against the neighboring property where the nursery is. I would say there are about 12.

Stanley Bernstein: They parallel park.

Chairman Cosentino: I think you're a little more than that. Now, last Friday or was it Saturday I was at Boston Market. There were a lot of cars in the front, but nothing on the side.

Anthony Maestri: Yes. They are not going to go on the side, because I'm not there yet. Going back to use my other stores. My Ossining store has eight spots. That's it. It's a private property. I happen to own that property and those eight spots are good enough, and comparing population and demographics, Ossining and my delivery there has higher demographics and more people so that I'm just representing that I'll be doing more sales in Ossining than in Mount Kisco, though I wish that not to be true. The eight spots are completely sufficient for us there, and my one general manager uses his car. I have an assistant manager who takes the train up on Metro North, and I have an assistant manager who lives right there in Charter Circle.

Chairman Cosentino: Any other questions?

Vice Chairman Sturniolo: One of the things you also need to take a look at is that since this is food and retail and has a parking requirement of a space per 150 square feet, you need to really do an analysis of the square footage that you're going to be occupying.

Anthony Maestri: Now is that 150 square foot of patron use? Usually it's done by patron use or seats.

Chairman Cosentino: There are no seats in here.

Vice Chairman Sturniolo: Whitney, am I correct, it's strictly square footage of the facility?

Whitney Singleton: Parking requirements for food retail is based upon the gross square footage of the facility, and then just tack on the seating areas.

Chairman Cosentino: There is no seating at all.

Anthony Maestri: I may put a little bench just for people to sit and wait, but they will not eat there.

Whitney Singleton: So you're going to have to do one per 150. What I was confused about in Austin's memo; Austin's memo mentioned something beyond on that which I don't know is necessarily provided for in code.

Anthony Maestri: I'm sorry I didn't get a chance to see this. It wasn't mailed to me.

Doug Hertz: This is a memorandum to us.

Anthony Maestri: Oh, okay.

Whitney Singleton: It says "The Domino's application does not detail the square footage of the space, and as a retail use, it would require at least 1 space per 150 square feet." Then it goes on to say, "in addition to the inside staff, the submission data seems to imply that at least five delivery vehicles could be on the property at varying times. During those times, these vehicles would also need parking available." So we would probably need clarification from Austin as to whether there is a parking requirement beyond the 1 per 150. But I was looking it up during the meeting tonight, and I didn't see anything beyond that.

Anthony Maestri: He does state here "five delivery vehicles could be on the property at varying times," so it could be one or two. Also, the square footage interior is not 150 square feet, and it's pretty much six or seven spots, I would presume. Just on the side, I might add, my wife used to go to L.A. Weight Loss, and they had decent traffic. She told me.

Chairman Cosentino: If you eat less pizza, you won't have to go there.

Anthony Maestri: There you go. I don't bring it home that often. If I had a store closer, I would.

Chairman Cosentino: What you need to do is file an application and come back before us. Are there any other questions here?

Vice Chairman Sturniolo: Gas or electric?

Anthony Maestri: We use natural gas and electric to start it.

Doug Hertz: Is there any concern about this intersection, about cars going in and out? There are a fair number of trips.

Anthony Maestri: That's what I thought would be the biggest concern this evening.

Doug Hertz: We've studied this corridor specifically for those. We're going to have Diamond's property coming on line, there is now going to be some dovetail time usage with this, some evening usage where he peaks now with Grand Prix.

Vice Chairman Sturniolo: And also the subdivision of the BP gas station; the commercial building on the side in the back by Barker Street, around that corner?

Chairman Cosentino: L.A. Weight Loss, I don't want to say my wife went there; they had somewhat the same amount of traffic.

Doug Hertz: It will be interesting if we could find out; if there is any data about what their traffic counts look like.

Stanley Bernstein: There is a difficult left turn coming out of there; protocol for your drivers.

Anthony Maestri: There is the meridian wide-ings. You could fit one car in between.

Stanley Bernstein: It's in a high traffic area; for that part of the day it's an almost impossible left turn.

Anthony Maestri: I don't know if you know Ossining, one of our stores there on Route 9, its four lanes, it's just as difficult, but we manage to make it work.

Chairman Cosentino: No matter what you have there, you're going to have a traffic problem.

Anthony Maestri: Since you have that light, we have that light close by in Ossining at Arcadia Shopping Plaza, since we have that light; once that light turns red we would have to make that turn and get into the middle before cars start to turn right.

Vice Chairman Sturniolo: Anthony, besides pizza what else do you sell?

Anthony Maestri: We sell buffalo wings, breadsticks, chicken wings, garden fresh salads, chicken Caesar salads, a new product recently; fudge-em's.

Chairman Cosentino: What is that?

Anthony Maestri: It's these little square brownies.

Chairman Cosentino: You get them free, don't you?

Anthony Maestri: That special is now over, but we'll still honor it. We're constantly rolling out products, but it's all based on our dough.

Vice Chairman Sturniolo: And beverages, do you sell beverages?

Anthony Maestri: Coke, Diet Coke and Sprite. That's all we sell. Years ago Domino's had just one size and one type of soda; it's all about keeping it simple. Nowadays, with customer demands, we need to have more things on the menu.

Chairman Cosentino: Well, we needed another pizza place, anyway.

Anthony Maestri: I had a feeling I was going to hear something like that. There is always room for one more, and we're a brand name, and we're on TV 44 weeks a year; we're around.

Stanley Bernstein: Why shouldn't they be like nail salons? There's always room for one more.

Doug Hertz: Or banks.

Chairman Cosentino: What you have to do is make application and come back before us.

Vice Chairman Sturniolo: What is the history of the name, out of curiosity?

Anthony Maestri: On the history of names, Hon Monahan started it 48 years ago and there was a Dominos. He had his third store and they were searching for a name, and the driver finally came back from delivering and said, "I know, I know. Dominos." And they made a dot for every single store, but once he got up to seven or nine dots, they said, "Let's go back to the three dots." We're now at 8,800 stores in about 62 countries.

Chairman Cosentino: Really, that many? Okay. Thank you for coming.

### **Correspondence:**

Chairman Cosentino: Under correspondence we have the Planning Board Procedures and Planning Board Calendar. Did everybody look at that calendar that was sent to us? Do we see any problems on that?

Doug Hertz: I see the same interesting language as last year. No meeting and no session.

Stanley Bernstein: Also, the first paragraph. Paragraph One is not logical. It should say, "The Planning Board shall meet in work session on the 4<sup>th</sup> Tuesday of each month except for legal holidays or during July and December. That's the way it should read, otherwise it's illogical and ungrammatical as well.

Chairman Cosentino: So you want that changed?

Stanley Bernstein: I would like it changed.

Doug Hertz: And during July.

Stanley Bernstein: And? No. Let's read the whole thing. "The Board shall meet in regular session on the second Tuesday of each month, 7:30 pm except for legal holidays or during August. The Planning Board shall meet in work session on the fourth Tuesday of each month at 7:30 pm except for legal holidays or during July and December.

Chairman Cosentino: Did you get that, Whitney?

Whitney Singleton: Yes.

Chairman Cosentino: Does anybody see any other changes?

Vice Chairman Sturniolo: Mr. Chairman, at the bottom of the same page, #2, where it's titled Board Meeting Agenda; the first line, "the Board's share in consultation with the building inspector." I think we need to drop Building Inspector because you don't consult with him on the agenda, and also in the same paragraph, the second line from the bottom, the same paragraph where it makes reference to deliver to the Building Inspector 10 days prior to." I believe that should be the Board Secretary, Nancy. And then also the continuation of that same paragraph on the following page, there is another reference to the building inspector furnishing each Planning Board member with a copy of the agenda. I believe that needs to be deleted as well. And, going down, number 4, where it says presiding officer in the first line, I believe the word "deputy" should be deleted, and the word "vice" should be used instead. And I have one more. There is also a typo in number 3, where it refers to the Planning Board's attorney. And then on the next page, number 6, motion discussion and voting. The second large paragraph, the first line, there is also a couple of typos there where it makes reference to voting, aye, aye and nay.

Doug Hertz: That same typo is repeated four times in this section.

Whitney Singleton: I don't think that's a typo. I think that's a conversion issue or something.

Doug Hertz: Those are all supposed to be, I assume, in quotation marks, and they are all with an A. So if those can be corrected, because that same error appears multiple times.

Vice Chairman Sturniolo: The following page – on number 10 – I believe it's the same thing we discussed, where it's Roberts Rules of Order.

Whitney Singleton: I think it's a conversion thing as well. It's the same exact thing that we had last year.

Vice Chairman Sturniolo: And then the last comment I have is Number 11. Anonymous communication shall not be introduced into board meetings. I would like to add, nor included in agenda packets.

Chairman Cosentino: Anything else on the procedures; on the calendar itself?

Nanette Bourne: On December 11, don't you want it to be a regular work session since you're not having a work session on the 25<sup>th</sup>?

Doug Hertz: Yes. It should be a combined regular and work session in any of the months where we only have one.

Chairman Cosentino: Doug is right, right.

**Motion that we adopt the Rules and Procedures for Meetings for the Mount Kisco Planning Board for the year 2007, subject to the changes and additions made tonight, and the 2007 Planning Board Calendar also as modified tonight:**

<b>Motion:</b>	<b>Vice Chairman Sturniolo</b>
<b>Second:</b>	<b>Ralph Vigliotti</b>
<b>Aye:</b>	<b>Vice Chairman Sturniolo</b>
<b>Aye:</b>	<b>Ralph Vigliotti</b>
<b>Aye:</b>	<b>Doug Hertz</b>
<b>Aye:</b>	<b>Stanley Bernstein</b>

**Aye: Joseph Morreale**  
**Aye: Chairman Cosentino**

Chairman Cosentino: Okay, that's done. Tony, you had something that you wanted to go over?

Vice Chairman Sturniolo: A quick update on the status of Balter and the tree compensation plan. We were going to get together and sit and meet.

Nanette Bourne: The ball is in his court. My last conversation with Bill was that we had done all that we could do together, that we would come up with our list, he would like to come up with some kind of settlement understanding, and that he needs to request a meeting to do that.

Chairman Cosentino: We're just waiting for him to come back to us.

Nanette Bourne: I notified the building inspector that that should be factored into C of O's that are being issued.

Chairman Cosentino: So in other words, he's not going to be getting too many more CO's issued.

Stanley Bernstein: He shouldn't get any.

Nanette Bourne: I don't know if he's not going to get any. I don't know the status of his CO's. But Austin is aware that this was an outstanding issue.

Chairman Cosentino: I thought that's what Austin said. Not that we agreed with it, but I think that's what he said.

Vice Chairman Sturniolo: Do we need to put that in memo form to create a paper trail?

Nanette Bourne: Yes. I think that should probably go to him that we are waiting.

Vice Chairman Sturniolo: That the ball is in his court.

Chairman Cosentino: Just send him a memo saying that we're waiting, so we have it on record.

Stanley Bernstein: In conversation with him, did he indicate what the problem is on his part? I could recuse myself if I'm the problem. He's got to come up with the trees; plain and simple.

Vice Chairman Sturniolo: He knows that.

Chairman Cosentino: Isn't his position that he doesn't owe any trees?

Nanette Bourne: I would think that he probably thinks that. He's actually added a lot of trees to his landscaping, and it's going to be a judgment call as to what credit he gets for the additional trees versus the trees that we're taking out in the first phase. It's not entirely cut and dry, it really is something that needs to be understood on both sides.

Vice Chairman Sturniolo: And my other one, Mr. Chairman, going along tree plans, Premier Auto? We have a very nicely detailed e-mail from our Village Engineer regarding 45 4 1/2" caliber trees that Premier Auto needs to donate X amount of dollars to the Village Tree Shade Plan. Has anything happened with that; any movement?

Chairman Cosentino: How are they doing up there by the way?

Nanette Bourne: We really have very little trouble with them, and with Jobco.

Chairman Cosentino: Except, Jobco, well I've got to talk to Whitney on that. I have a little problem up there. Not our problem, not the Villages problem, it's with their landscaping.

Nanette Bourne: Right, with that one house?

Chairman Cosentino: No, with the whole place. Okay.

Vice Chairman Sturniolo: The other one I had, Mr. Chairman, was Nannette, the status of the Bank of New York and the lighting? Has anything changed since we last -

Nanette Bourne: No. We gave to Austin the memo that explained what the issues were and I haven't heard back from Austin and what he's done with that. That would be something for us to talk about on Thursday, although Austin told me he probably won't be at our Thursday meetings

Vice Chairman Sturniolo: Would you be kind enough to craft a memo to him in his absence?

Nanette Bourne: Yes.

Vice Chairman Sturniolo: And the last one I have is; what were the results, Jannine, of you and Ashley when you went to Sutton Manor before the dry martinis got rolled out that night?

Jannine McColgan: There were a couple of other lights that were in excess, but it's more or less just a matter of them changing the wattage. I'll do a memo on that.

Nanette Bourne: We were closed a week and we are just behind. I'll make sure that she has the memo explaining that for our Thursday meeting.

Vice Chairman Sturniolo: Then we could move it forward.

Chairman Cosentino: Jannine, what about that drainage problem up there on Armonk Road?

Jannine McColgan: When I took a look at it, granted it wasn't a big storm event or anything like that, but there was rainfall over a couple of hours, and it seemed to be operating. I'll talk to Austin about that.

Chairman Cosentino: Alright. A letter from Mary Galasso, letter from Timothy Idoni, a letter from Lee York, letter from Joseph Maggio regarding Cassidy and Flynn, letter from John Kellard, letter from John Drake, minutes of the CAC and Metropolitan Planning topic.

Vice Chairman Sturniolo: Ice House Road, as far as Diamond Property is concerned is just about completed with the exception of planting some trees and bushes at the far end of Ice House Road. There is a bond that they had put up with the village for \$152,500 for the completion of the improvements to Ice House Road. They are looking to have that money released because they believe they've completed everything, and we have a memo in front of us from the Assistant Village Manager stating that he'd like to retain 25% of the bond until the completion regarding landscaping is in place in April, and it's something that is going to be discussed by the Village Board at their meeting next Monday, the 15<sup>th</sup>. Basically, Jeff is looking for direction from the Planning Board. Are we in favor of that concept of retaining 25%?

Chairman Cosentino: I think we should hold the 25%.

Doug Hertz: And he's comfortable; he's reviewed this and is comfortable?

Vice Chairman Sturniolo: Jannine is going out tomorrow and there is going to be a report generated by Thursday.

Doug Hertz: So if you're in conference with that?

Chairman Cosentino: You've got to hold something back.

Doug Hertz: Yes, that makes sense.

Vice Chairman Sturniolo: So that's what Jeff is looking for.

Chairman Cosentino: He's got our blessing. We'll bring it up Thursday morning at the meeting.

<b>Motion to Adjourn:</b>	<b>Vice Chairman Sturniolo</b>
<b>Second:</b>	<b>Ralph Vigliotti</b>
<b>Aye:</b>	<b>Vice Chairman Sturniolo</b>
<b>Aye:</b>	<b>Ralph Vigliotti</b>
<b>Aye:</b>	<b>Joseph Morreale</b>
<b>Aye:</b>	<b>Doug Hertz</b>
<b>Aye:</b>	<b>Stanley Bernstein</b>
<b>Aye:</b>	<b>Chairman Cosentino</b>

Meeting adjourned at 9:30.

Respectfully Submitted By,

Stanley Bernstein  
Board Secretary