

**Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, October 30, 2007**

Meeting called to order at 7:50 pm, Tuesday, October 30, 2007, at the Municipal Building Mount Kisco, New York.

Members Present: **Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Stanley Bernstein
Sol Gibbons
Ralph Vigliotti**

Members Absent: **Doug Hertz
Joseph Morreale**

Staff Present: **Nanette Bourne
Anthony Oliveri
Whitney Singleton**

Final Action:

**134 Main Street
PB2007-06**

Present: **Isidoro Albanese, Owner
Clifford Munz, Munz Associates**

Nanette Bourne: This resolution was drafted for your last meeting, and subsequent to that there was a meeting on site with the applicant, Jim Palmer and Austin. Several modifications were made to the proposed project off-site. I think it would be a good idea for the applicant to show you what those things are. I think they are beneficial changes to the Village. As a result of that, the Village Board acknowledged those changes and I think that should be reflected as: *Whereas on October 22, the Village Board reviewed the proposed improvements to the Village property and concurred with the proposed improvements shown on this latest site plan.* I recommend that the applicant deal with those changes.

Chairman Cosentino: There is no basement?

Isidoro Albanese: Right. No basement.

Ralph Vigliotti: Can we get that on record? We've had a problem in the past about that question. I want to make sure it's on the record. Chairman Cosentino questioned whether or not there is a basement for that. I didn't see it on the site plan. Your answer is?

Isidoro Albanese: No basement.

Ralph Vigliotti: No basement.

Vice Chairman Sturniolo: There is no basement.

Chairman Cosentino: And there will not be a basement.

Nanette Bourne: If you have the previous plan, show it to them so they can see the difference. Some of the changes that were made were part of the discussion that you had at your last meeting involving the removal of spaces.

Clifford Munz: For the purpose of illustration, what we did when we agreed with Mr. Palmer was that we would take that work, which took place outside of the property line, and we bolded them up in such a way that it was easily readable from here to here. The first and most obvious is that what you see in the bolded fashion here would be the parking spaces. In each case it says see Special Note Number 1. Special Note Number 1 is saying that all work outside the property line is subject to the Village Board for their approval. We had done so and submitted this as well. The repaving has been bolded up, and any new striping. In here we've come to an agreement and a consensus that we were going to make a link between this right-of-way that takes you from the theatre back to Blakeby. Actually we are going to pave some connections in between and connect our sidewalk between the trees and connect to here so that ends up opening up and now you can go back and forth.

Vice Chairman Sturniolo: When you say we came to an agreement and a consensus, who is the "we?"

Clifford Munz: Myself, Nannette, Mr. Palmer, Mr. Albanese, and Austin. Those were the attendees at the meeting.

Ralph Vigliotti: So by creating these walkways are you indicating that the parking will be available for the residents after hours?

Isidoro Albanese: The way Austin wanted it was if we're trying to connect the two we don't want people going through the shrubbery to get into here. And the same thing if somebody is coming from back here and they want to come here to their parking spaces.

Ralph Vigliotti: So the businesses that are moving into the site cease operation at 6, 7, 8:00 at night, is the parking lot going to be available? Will it be opened or chained off?

Isidoro Albanese: It will be opened.

Nanette Bourne: There was a lengthy conversation between the applicant and with Jim Palmer, and it was very clear that Jim Palmer is going to be meeting with them so that this parking lot can become part of Blakeby. That is a more detailed discussion. It was agreed that when they came back to do these improvements that that discussion would continue.

Chairman Cosentino: Whitney, on our standard restrictions, as far as on-site and off-site parking, this would be restricted to only on-site parking for the business alone?

Whitney Singleton: We need to put in a provision like we did on other sites that limits the parking from this site to on-site uses and prohibits off-site parking for this site. Just to prevent the renting phases that go on.

Chairman Cosentino: The only people who can park on the property are the people you are going to be renting to.

Isidoro Albanese: Yes.

Chairman Cosentino: That will be part of the resolution. Do you know what is going in here?

Vice Chairman Sturniolo: The Vitamin Shoppe, you mentioned?

Isidoro Albanese: No the Vitamin Shoppe is not going in there. Cingulair, which is A T & T.

Chairman Cosentino: They're going to take it all?

Isidoro Albanese: Probably about ninety percent, we're not sure.

Chairman Cosentino: What are you going to do with the other ten?

Isidoro Albanese: We're not fully positive yet.

Chairman Cosentino: The part of the resolution should say no food of any kind will be served.

Isidoro Albanese: I don't think we had that.

Chairman Cosentino: You can't have food there.

Vice Chairman Sturniolo: Cingulair doesn't serve food.

Isidoro Albanese: No, but if we could get a tenant to go in there; I don't think that was part of the resolution.

Clifford Munz: We were more interested in generating soft trash. We would have no dumpster, but there was no reason you couldn't serve incidentals.

Isidoro Albanese: It was for the dumpster and we moved the dumpster over.

Chairman Cosentino: We specifically said no deli, no restaurant. It's in the minutes.

Isidoro Albanese: I think it was mentioned at one of the meetings but it was never –

Vice Chairman Sturniolo: We'll incorporate it in the resolution tonight for you.

Isidoro Albanese: I don't think that's correct. I know we talked about it.

Vice Chairman Sturniolo: With limited access, just one way in and one way out, and the proximity with the dumpster in the back, common sense would say –

Clifford Munz: Our discussion was the purpose of the trash area being cans and whatnot in an enclosure not to be a dumpster. The potential was for this restaurant, if they wanted to have outdoor dining, that our trash would not generate any negative impact. The potential that they did so agreed on no dumpster and simply have trash cans with the doors in front.

Isidoro Albanese: And it used to be here so we moved it over so it wouldn't be close to the cars.

Chairman Cosentino: This whole thing was predicated on a statement made by you, Mr. Albanese; that you were not going to have any restaurant or deli there. If you want me to take the minutes out, I will.

Isidoro Albanese: I didn't read that. What we said there was, as long as it meets the parking requirements. As far as a restaurant, we're talking about seats. If we put a restaurant in there and they want to put in thirty seats, you're not going to let me do it anyway because there is not enough parking for it. But say if it was say, a café, which had no seats; like a coffee place that you're going in and out of to get coffee. Then, it's part of retail because it doesn't have seats. You can have up to six seats if I'm correct.

Vice Chairman Sturniolo: We never would have moved this along with what you just said in mind, specifically because of the limited ingress and egress of the site. That was never part of the discussion. If you want it to be part of the discussion, then what I think we need to do is talk about a second ingress and egress on the site and take away some of the parking spaces and shrink the size of your building to accommodate the loss of parking spaces. Or, we go the route as the chairman said, put it in the resolution that there will not be any food at all.

Isidoro Albanese: The main reason for your saying no food was because you were saying there was going to be smells in here.

Chairman Cosentino: No, you said it.

Isidoro Albanese: Okay. But it could be a cheese shop; a lot of different things, a lot of retail that has and can sell food. If we go across the street, any of the places across the street where I am; an ice cream place was set up across the street that has no parking in a CV2 that has no on-site parking at all; people have to park in our lots. I don't think there is any other place in Mount Kisco that really has a restriction like this. Especially that we have our own parking and as long as we meet your parking requirements, I don't think it's really fair for us to say you can't have any food at all. I really don't want food. I don't think that I'm going to be putting my own business in here because that's already failed as far as my thoughts. We did move this to this place here because of the smell. I think you're putting this on me, and I really don't know the reason. You can go across the street to the deli or next door and they can open an ice cream place.

Vice Chairman Sturniolo: Do you want to give them a chance and think this over and take the next applicant?

Chairman Cosentino: I would say. Our thoughts were no food - through this whole process.

Vice Chairman Sturniolo: Why don't you think about this for a few moments in quietness, and we'll take the next applicant.

Isidoro Albanese: Even if I was giving this whole place to A T & T and they take the whole place, in ten or fifteen years from now, there is a restriction on this where there is no food.

Clifford Munz: Would you like to see the other pieces that we had discussed?

Vice Chairman Sturniolo: I think this is an important issue from your point of view, and I think both of you really need to think this through. I strongly urge you to go outside, talk about it, we'll take the next applicant, and then you come back.

Isidoro Albanese: We can do that.

Clifford Munz: Could I look at the old minutes in some fashion in the last couple of months?

Vice Chairman Sturniolo: You can solve it yourselves. You want to get an approval tonight.

SEQR Review:

**Westchester Residence and Club
Kisco Avenue
PB2006-19**

Nanette Bourne: Mr. Chairman, all you need to do is acknowledge that the document has been distributed and is being reviewed and a comment letter on completeness will be provided.

Chairman Cosentino: We do have a document, and it has been reviewed, this is to accept that it has been distributed and is being reviewed, and a comment letter on completeness will be provided at our November 13 meeting.

Conceptual Application

**Northern Westchester Hospital Center
400 Main Street
PB2003-02C**

Present:

**Steven Barshov, Sive, Paget & Riesel, PC
Anthony J. Monteleone, Monteleone & Monteleone
Steven R. Doherty, AIA, The SLAM Collaborative
Robert J. Buckley, Turner Construction Company
Scott W. Blakely, Insite Engineering
John Partenza, Senior Vice President Northern Westchester Hospital Center**

Chairman Cosentino: This is a conceptual for the proposed Emergency Room addition. We have in our packets some letters here I'm sure we read.

Vice Chairman Sturniolo: We received the fax letter today that deletes that paragraph on Page 3. But that letter is dated October 5. The letter prior to this is dated October 5 that has the paragraph in it, so now we have two letters stating two different things with the same date and a host of people who are cc'd on it. What I was hoping to see on the new letter was a simple explanation on the first paragraph as to why the letter was being re-written; the fact that the letter supersedes the previous letter, and then basically anybody who reads that will say this letter is the one that counts.

Steven Barshov: Mr. Sturniolo, you can take the last letter that you received and have that be the one that counts. You can throw away the other one.

Vice Chairman Sturniolo: What I am concerned with is the cc list of people.

Steven Barshov: We're trying to work with you on the text of these letters.

Vice Chairman Sturniolo: But it's simple.

Steven Barshov: Nobody is saying whether it's simple or not. What has been happening is that we had a combined letter; we then split it into two pieces at the request of the Planning Board. We then revised the language at the request of the Planning Board on multiple occasions. To be quite honest with you, I thought that all of the letters were accurate, were not doing anything to present any problems to anybody, but we are happy to revise the language any way you want.

Anthony Monteleone: The hospital had written a letter to clarify this, and it's signed by John Partenza, Senior Vice President to Chairman Cosentino and the Planning Board

members: *Northern Westchester Hospital Center hereby affirms and acknowledges that the above referenced letter, a letter of October 5, 2007, will be replaced by a supplemental letter which will have the second to last paragraph deleted. The hospital will proceed based on this supplemental letter.*

Vice Chairman Sturniolo: Which is coming?

John Partenza: I will say we will send you a revised letter.

Anthony Monteleone: We thought that revised letter was going to be here tonight; we didn't realize the format of what was there.

Steven Barshov: That was all that was able to be done. If the letter in its language is agreeable to you, aside from putting forth some description about how it replaces prior letters, to me that's the most important thing. So if you're satisfied with the text of the letter itself, we'll be happy to clarify in a submission that this supercedes everything else.

Vice Chairman Sturniolo: I'm not being difficult but I'm looking for the simplicity, clarification; and instead of having a stack of documents we have like this we have just one letter.

Steven Barshov: The simplicity and clarification, Tony, is simply this: this letter withdraws the prior applications. There is only one sentence that needs to be in any of these letters. We withdraw the application.

Vice Chairman Sturniolo: Agreed.

Steven Barshov: At your request we laid out the history, we did all of these things. So, now if you want us to turn around and put in more history that we're not superceding the other letters to make sure that this is the way you want it, we'll be happy to say that too. We're only trying to address what your concern was.

Vice Chairman Sturniolo: This letter that you just looked at – should that letter have the same cc distribution list as the other letter prior to?

Whitney Singleton: It's acknowledging that they are going to undertake something in the future, and when they undertake it I assume they will have the same distribution list.

Vice Chairman Sturniolo: But should that distribution list be on this letter now?

Whitney Singleton: I think they represented to you here at the board that the minutes will properly reflect that.

John Partenza: I will go on record to say it will be the same.

Anthony Monteleone: It will be distributed to all those parties.

Vice Chairman Sturniolo: When do you think that one is going to come out?

Steven Barshov: Tomorrow. We withdraw the other applications. Now we're here to go forward on the Emergency Room. Basically what we're here to outline for you tonight, I think Chair has seen, Tony has seen, not everybody has seen the basic proposal in its most simplistic overview. It's the Emergency Department. It is the loop road, and there are changes to the site in order to make that happen; the demolition of the old medical office building and most importantly the proposal in a Phase II for a south parking garage. That would take care of the parking issues for the hospital for as long as anybody could possibly foresee. So those are the key elements to what we have. I want to emphasize – because this seems to be a recurring issue – I want to emphasize right up front this is what the hospital has in mind for its expansion in every way shape or form. However, you're going to see applications periodically from the Hospital to do a variety of other things at the site, like the oxygen tanks or the other issues. We've been asked to put some of those matters that we consider to be completely separate from the Emergency Room and roll them into these applications. So I just want to say up front, if you see something coming down the pike from the hospital; an interior demolition application or something else, the Hospital is an ongoing institution that has needs and things that happen over time. They are not this, and please don't make us come to you and re-affirm continually that this is part of some big plan.

Ralph Vigliotti: We may ask you anyway.

Steven Barshov: You can ask me anyway, we'll be happy to answer. But what I'm trying to say to you is understand that that is going to happen so that you don't think we're coming in and blindsiding you.

Vice Chairman Sturniolo: One way to address that simply would be just to send a very simple short communication each time one of these events takes place.

John Partenza: Happy to do so. We will send it to the Planning Board's attention. If there is any doubt, I will encourage a call. If anyone harbors doubt, please call.

Steven Barshov: With that, what we'd like to do if it's okay with you is just lay out the plans and go through them with you in a conceptual way. Does that work?

Steven Doherty: Basically what is being proposed is, in addition to the existing building, it is basically a partial basement and a two story addition. The first floor houses the Emergency Room; the second floor is shelved space for future clinical functions that have not been identified yet. The basement is partial mechanical space; basically electrical components, medical gas compressors, vacuum pumps, that type of thing serving the Emergency Department in what will be the floor above. That's the primary addition. It goes basically right up against the existing Wallace Pavilion, taking the walk-in emergency entrance and the ambulance entrance and re-locating those to the new building. One of the other components was the creation of the loop road that provides access around the entire building, and the last piece will be a proposed generator building. Basically there are two generators that service the existing hospital right now; those are at capacity without additional capacity to pick up the addition, knowing that we need to put in a separate generator for the addition. What we're proposing is to build an enclosure that size to accommodate the three generators needed for the entire facility. Put one in now, serving the addition with space to put in the two additional ones when those, the existing ones, need to be replaced. The vacant space within the existing building by relocating those generators will allow the hospital to upgrade other mechanical functions and other physical plant functions within the building. What we'd like to do is walk through the proposed phasing of the project and the site logistics of how we would construct this.

Chairman Cosentino: On the north parking lot, when would Phase II come into effect?

John Partenza: I think we would like to have an open dialogue on that. I would like to propose that when we seek approval to occupy the second floor that we deal with the parking and the size of the garage at that point in time.

Chairman Cosentino: For economic reasons, is there any reason why you shouldn't go three floors down instead of coming back?

John Partenza: No, because we see no other room on top of the ER. Again, we haven't figured out what it's going to be, but its spaces that adjoin the OR's, and if you ever have a Cath lab that's where you want to have it. You can bring patients right up from the ER into that area that adjoins the OR.

Ralph Vigliotti: Can you point out the existing road to the Emergency Room?

Steven Doherty: Yes. This is basically where you come in the main entrance to the hospital. You loop around, this is the main entrance to the Wallace Pavilion, and this loops around; this is the island basically dividing the existing parking lot from the Emergency Room parking lot.

Chairman Cosentino: I don't think you are going to generate a lot more traffic just with the Emergency Room than you would if you came in here for another fifty beds or something like that.

John Partenza: Our ER will grow in volume regardless of whether we build it. We will just treat people in a bigger space and better space.

Chairman Cosentino: I've gone in there with a patient and the halls were filled with patients and parking was available.

John Partenza: We don't anticipate people coming here because of a new ER. They are going to go to the closest ER; they are going to go where the EMT's bring them. I think we believe as an organization we won't need it. In fact, you will see in our plans where we are making accommodations for the future garage in this phase.

Steven Barshov: The Phase II responds to the Planning Board's concern articulated on a couple of occasions that; A, there is a perceived deficiency in parking now; B, that there is going to be growth just in population in the area so that independent of what the hospital does, there is just going to be more people around, there will be more need for parking.

Chairman Cosentino: Isn't it a fact that the Emergency Room is used more now than anything else?

John Partenza: We just went through an operational re-design which is still being phased, and our goal is door to doctor within fifteen minutes. So you'll see progress; people coming in and out faster and in and up to the room faster. That is how we are dealing with the short space today.

Chairman Cosentino: Explain to the board the access road from Moore Avenue and the reason for it.

Nanette Bourne: Mr. Chairman, just to conclude the parking; I think the third component is that you're actually taking parking spaces away.

Steven Barshov: Right. There will be some loss of parking spaces because of the ED Expansion itself. One of the things you'll see a little bit later in this presentation that will follow the phasing is actually exactly the number of parking spaces that will be on the site in each phase of the construction. Then we'll see where we'll be at the end, and how we're going to be dealing with that on an interim basis.

Chairman Cosentino: I think there is going to have to be a lead-way. If traffic jams up, there is someplace where more parking is needed; we're going to have to call you back in.

Steven Barshov: Just to jump ahead a little bit, we were proposing on an interim basis to valet park and then the permanent solution, which is Phase II is the south garage.

Vice Chairman Sturniolo: How long would the interim phase be with valet?

Steven Barshov: It will be until the second phase, which John had indicated we would propose, occurs when the second floor of the Emergency Department is occupied.

John Partenza: I would like to keep this as an open dialogue as we go along. Concurrent with this we are talking to move stuff off-site. We want to see once this is built where we are and build a garage at the appropriate time. We don't want to not have parking on our campus. I see it a few years after its open or sooner depending on really if you can't park on the site.

Chairman Cosentino: Keep in mind, if we find a parking problem, the site plan could be pulled at any time. Explain the access road that comes from Moore Avenue that loops around; the reason for it.

Steven Doherty: There are several reasons that we see a benefit to looping this road all the way around. One is that in the existing Emergency Department you have both the walk-in and ambulance entrances immediately adjacent to each other. Some of the things that we're finding in current hospital planning is that if you were to ever have an event such as a decontamination event, where people are brought in by ambulance from some kind of a hazardous situation where they are brought to the Emergency Department, you have the potential contamination of both entrances into the primary department where those patients need to be seen. As part of the Emergency Department we have a walk-in entrance on this end, and we separated the ambulance entrance to this side of the building, creating a distance where those two patient populations can be treated independently.

Chairman Cosentino: So the ambulance entrance will now be where the oxygen tanks are?

John Partenza: No, by the doctor's parking lot. If you're coming from Moore, you would enter off of Moore that way, and pull right into it. If you're coming from Main Street, you come to the front and come around.

Chairman Cosentino: But it will be up on the top there. At 2:00, 3:00 in the morning when they back up the ambulance and beep repeatedly, it's going to be more

pronounced now than it is today for the people who live on Bolter Street. When you were in here you said that the road would be low so you really wouldn't see the lights coming in. Now you're saying that the ambulance will now unload on the top part of that parking lot.

Steven Doherty: Basically grade is being brought down.

Chairman Cosentino: So you still won't be able to see it?

Steven Doherty: You're going to be sixteen feet lower.

Chairman Cosentino: So it's not going to be up where the doctor's lot is?

Anthony Monteleone: The sound will be depressed and we will put plantings and shrubberies.

John Partenza: And whatever buffers we have to put.

Steven Doherty: One of the other things that the loop road affords is a mobile technology dock. As additional technologies are developed, CT Scanners, PET Scanners, those types of things, trailers can be brought back into the hospital to a dock that is immediately adjacent to both the Emergency Department and the Radiology Department for servicing patients, and that stays basically in a remote location in the back of the building.

Chairman Cosentino: What do you intend to do on Moore Avenue as far as ingress and egress?

Steven Doherty: Basically where the loading dock is back out to Moore; that stays exactly as is. The curb cut on Moore stays the same, that road width stays the same, that's not changing as part of this project.

Chairman Cosentino: How many feet is that curb cut?

John Partenza: It's pretty big because we have trailers in there. We get all our deliveries to the loading dock. As constructability we kind of need the road to be able to build the ER without disrupting the whole campus.

Chairman Cosentino: While this is being built, where are all the people going to park?

Steven Doherty: We'll go through the phasing and we'll show you both temporary entrances for ambulances and walk-ins and temporary parking scenario.

Robert J. Buckley: We've taken several stages of the construction and this is how we propose to build the building, the lots, and maintain traffic and people in and out of the facility. Phase I A is basically the rock removal and the high doctor's parking lot, and at the same time we would be developing the new parking lot in this quadrant over here as well as starting the loop road here and here. During this phase we're saying that the existing parking lot with the exception of some 21 spots here and the existing handicap spots over here. There will be 129 spots still remaining for patient parking.

Steven Doherty: This does not affect the existing walk-in entrance or the ambulance entrance.

Robert J. Buckley: Exactly the way traffic is now remains in tact during this first stage of construction.

Vice Chairman Sturniolo: Where do the cars go that are valet parked?

Steven Doherty: Right now the north lot is the valet lot.

Robert J. Buckley: Right now we're not changing any of the valet parking schemes. People would come in and out the same way, get tickets into this lot; they would function the same way.

Steven Barshov: To the extent if there is a deficiency, the valet would occur on the north lot and would not occur on the south lot.

John Partenza: Another thing we are exploring now is off-site parking and shuttling employees. The way it will work is people like me who live south, would park south of

the hospital and be bussed in. We're not sure of the size and the feasibility of that, but our expectation is to take a number of employees off the campus during the construction.

Chairman Cosentino: Where would you park them?

John Partenza: Reader's Digest. It's temporary, and the reason for taking south is we will not add any more congestion down there because people will be coming through those intersections anyhow, so it should be pretty benign to everybody. Those plans are still being developed.

Vice Chairman Sturniolo: John, when we had the informal meeting in the summertime, is there anything different from that meeting to what we're hearing tonight?

Steven Doherty: I think you will be hearing more detail tonight.

Vice Chairman Sturniolo: Philosophy wise.

Steven Barshov: The philosophy was the same with these two modifications; what John just said was not what we talked about this summer. We always talked about using valet on site to the extent that we needed to; obviously we wanted to minimize it. So that has not changed. It may be that what John is articulating might produce enough of a shift in terms of employees off the site that we might not need to valet. That's somewhat of a change. In terms of the physical layout of the project, I think it's pretty much what we had discussed.

Vice Chairman Sturniolo: I'm going back to the parking, the stacking of the cars, snow removal issues.

Steven Barshov: We talked about coming up with a proper valet parking plan to show how they would be valet parked to the extent that we need to. That has not changed, we just don't know quite yet because of what John is referring to, how much we will need, if we'll need to valet. I think the biggest change from what we talked about over the summer was putting it very directly; we heard you loud and clear about valet not being a permanent solution. We had proposed over the summer that valet be a permanent part of the parking and I think it was pretty much shot down. So, the biggest change from the summer is the Phase II of a south parking garage as the ultimate permanent parking solution for the site. So it would be to the extent that we park valet it would be in my words a proper valet plan showing where you would, for example, put snow; where there would be access for emergency vehicles; how vehicles would be valet; how many rows, where they would be, etc., and by the way they probably would be valet for employees; the predictable parking.

Robert J. Buckley: After we complete the first stage we would then go into the second stage. It will still be Phase IA. We will have completed the loop road to this point, we would have completed the loop road here, and the temporary ambulance entrance would be our next piece that we would go after as well as connecting the loop road and starting some of the renovations to the existing lot. At that time the new lot down here would be open as well as half of the existing lot, so we would maintain the 129 spaces. The traffic would enter and exit from here to this parking, and then the emergency entrance as it is still continues to function with the same loop traffic going in and out. At the same time we would then start constructing the new patient entrance here, and start building the temporary ambulance entrance there.

Ralph Vigliotti: The 129 spaces; that location for parking versus the parking behind a retail space is there an elevation. Parking is not going to be level to both?

Robert J. Buckley: No.

Ralph Vigliotti: I think you need to be aware of the amount of food retail that you have in that retail spot now. You need to be cognizant of that. There is too much food retail. Once you eliminate most of that parking to address the 129 spaces, that lower lot is not going to be able to handle all of that food retail. You need to do a better mix.

John Partenza: We kept one of the stores empty; the old drug store. We're just going to be using it for staging, for construction.

Ralph Vigliotti: But as leases expire, you need to do a real good job on a retail mix there. Right now it's not working and it's twice as many spaces. You do need to take a look at that.

Anthony Monteleone: In that regard, I've worked closely with the real estate broker who is the rental agent, and there is a real difficult problem getting non-retail and non-food retail tenants in there. We have always sought to have non-food retail there. It's only basically out of desperation just to keep the spaces turning over that we do that.

John Partenza: Our mission is healthcare; not to provide another fast food service. In the balance of the two, the hospital is going to win out.

Ralph Vigliotti: I know, and I want to see this Emergency Room move forward as quickly as we could get it done, but when I use the food retail I'm parking all the way up where the 129 spaces are. So is the other six or eight or ten of us that are going into the deli there. So you really need to take a look at that because there is not going to be any overflow areas. You have an overflow now; even you can almost overflow and go up into the doctor's lot. Once this is laid out there is going to be seventeen spaces with absolutely no overflow.

Anthony Monteleone: I'm aware of that; I use it just as you do, and we anticipate that one of those retail food spaces will not be there in the near future.

John Partenza: Our role is run a hospital; not a strip mall.

Vice Chairman Sturniolo: What about the business relationship between the Hospital and the seafood restaurant, whose property you don't own but they use yours for parking?

John Partenza: I have not found anything; I'm going to have to explore this. Institutional history – I believe at one time the hospital did write a letter before I was involved in this to allow parking there when they went for evening dinner. I cannot find that letter anywhere, and we are in our third administration there, and I would have been involved in that. It must be part of the site plan application. We can't allow that to impinge on the ER. We may have to revisit that.

Vice Chairman Sturniolo: That's an area that you don't necessarily control because it's not your property.

Chairman Cosentino: I was on the board and I remember that. The Hospital agreed to give them X amount of parking spaces in the back, but I don't think it was a forever lasting agreement.

Vice Chairman Sturniolo: It was also tied into Friday and Saturday nights, when they had the restaurant portion opened after the retail closed. And now we obviously know that it's not just Friday and Saturday nights that the restaurant portion is opened, so that exacerbates that a little bit more of an additional night.

Anthony Monteleone: We're doing some preliminary exploration in that regard. We're not getting anywhere, but we're trying.

Stanley Bernstein: We have a combination of parking problems. We have visitors, out-patients and emergency drop off. The emergency drop off; from my observation most of the time they'll take those few spaces across from the entrance, but many times there are no spaces and they have to drop the patient off and swing around into the parking. You have during certain times of the day, quite a bit of out-patient parking going in. Valet sounds like a good interim solution, but I hope you thought about the whole process and different streams of parking. The visiting takes place at a different hour, from 10 AM on, and at that point you can't get a parking space. After a certain hour, if you're coming in for out-patient services, and visiting time has started you can't get a spot in that lot.

John Partenza: The way we've designed the building and the flow, if you're a true out-patient other than the ER it is desirable to go to the north building. We're going to be moving valet up to the front door, so if you're a PT patient or an ambulatory surgery patient or a radiology patient, you will enter at the north building. The left side is for in-patients, ER and in-patient visitors.

Stanley Bernstein: That sounds reasonable. But why don't you want to put up the parking structure now?

Anthony Monteleone: Money. We need to apply for funding for this, and we need to have it all in place by January.

John Partenza: We don't want to run a hospital where the people can't park. It's to our own benefit, and it's an economic question. That's why it's so hard to commit. We are making a lot of efforts to move some out-patient services out of Mount Kisco and we'll see what that does to the parking and traffic.

Anthony Monteleone: The majority of this funding comes from the State from various entities.

John Partenza: No, the majority of this funding comes from the hospital. If it came from the State life would be different.

Anthony Monteleone: Certainly we need to do that. We have a timetable in which we need to put our finances in place.

Stanley Bernstein: I don't know if this is helpful, and I don't know if you are aware, but just as your hospital, Danbury Hospital charged for parking. Some benefactor said this was outrageous that people visiting the Hospital have to pay for parking, and he bankrolled the entire parking situation, and now you can park for free. Perhaps you could use your fundraising people to confer an angel like that.

John Partenza: It's a hard thing to sell. We got a major benefactor for the ER. Hopefully, if you fund those other things you will have operating funds for a parking garage. It's hard to commit that kind of capital today.

Robert J. Buckley: For Stage II we will complete the loop road so that the loop road now would be open and operational, and for a short time the emergency entrance still is where it is and being used while we finish the construction of the new patient entrance. When that is done, we are at the point where we can start Stage III which is basically the construction of the new ED addition. At that point in time, this lot would be done, you have a new lot here, and we start working on the last quadrant of the lot. We're starting our construction of the new addition, the temporary ambulance entrance is open, and the loop road is functioning two way traffic.

Stanley Bernstein: Do you have a time-line for that?

Robert J. Buckley: Up to this point and to the end we're showing sixteen months. Renovations inside; another five.

Stanley Bernstein: Sixteen months from the time of approval?

Robert J. Buckley: From when we break ground. During this phase, I have one board here because that will be our longest duration when we're building it, and this is basically the site plan. We have a construction fence around the outside. The ambulance entrance would be functioning. There will be a construction fence at this end where we're constructing a generator building. Then we're showing some placement of trailers, trashcans, portable toilets, etc. I do have a packet that I can leave with you that has all these drawings in there.

Vice Chairman Sturniolo: Where are these boards that we're looking at going to reside after tonight?

John Partenza: We could make copies for any purpose.

Vice Chairman Sturniolo: Some place in Village Hall would be good.

Robert J. Buckley: Once the addition is done, we do the renovations. Again, the lot is done, the new ambulance entrance is open here, we take over the existing temporary ambulance entrance –it actually becomes a temporary construction entrance while we're doing the renovations and at the end of that everything is dismantled and removed.

John Partenza: The new ER will have its own CT scan so the patients won't have to wait for their in-patient CT scans. It's going to be good for patients.

Vice Chairman Sturniolo: The oxygen chamber room?

John Partenza: The hyperbaric room is a big user of space; it will be off-site. We are looking to put off-site an ambulatory care center, rehab types of services. Hyperbaric is a re-hab service we give to our patients.

(Discussion about the interesting technology of hyperbaric technology)

Anthony Monteleone: We would like this board to authorize the issuance of a demolition permit.

Chairman Cosentino: We have no objection to them issuing a permit at this stage, but that's up to the Building Department.

Anthony Monteleone: Thank you very much; you have been very supportive of this project. We want to keep the lines of communication open. Anytime you have any questions, please call either of us and we will address them as quickly as possible.

Chairman Cosentino: Yes, I think the e-mail updates to the Planning Board will work well.

Vice Chairman Sturniolo: A personal note. In 1982 David Boies represented CBS when he was an attorney and defended CBS against the Westmoreland lawsuit. David Boies handled the Microsoft lawsuit and a few of the other big ticket items. He also defended The Democratic Committee in Florida with the voting machines. I know him very, very well. Besides being a superb a lawyer, he is a great person to name the ER after. If you want to read a fascinating book, read his book.

RETURN

Final Action:

**134 Main Street
PB2007-06**

**Present: Isidoro Albanese, Owner
Clifford Munz, Munz Associates**

Chairman Cosentino: What have you decided?

Isidoro Albanese: If I can go back to what I started and what I needed to do since I've had this property? I know you wanted me to close the back lot, which I did and I chained it off so people couldn't cut through. The time where you wanted me to get my tenants out because of a non-conforming use, I got the tenants out. You wanted the building pushed back, we pushed the building back. You didn't want any entrances from the front; we put our entrance from the back. We've given so much. I live in this town; I love this town. I want to do the right thing. Even though we are not moving into this building we are still putting in a lot of money to make it beautiful. We are conforming, and I think as far as any business that I put in there as long as it's legal to conforming use, I should be allowed to put any business in there. I don't know if it's my legal right to.

Whitney Singleton: If I could jump in on behalf of the Board. I think their concern is that when they brought up the issue of the dumpster you represented that there would be no food.

Isidoro Albanese: We said we didn't know.

Whitney Singleton: No, I think you said there would be no problem; you were just going to put trash canisters out there because there wasn't going to be a food use. I think you also, in cutting off, eliminating one of the two curb cuts in the back, you had dismantled the circulation on the site; the ability to bring trucks in for delivery, trash pick-ups and things that would normally be associated with foods. I think they have been of the mindset that based upon your representations during this application that there would be no food use. I don't think they are saying that you could never have a food use on this site, I think what they are saying is with the trash put up against the entrance of an adjoining restaurant; and just cans without a dumpster or ceiling or refrigeration or anything else, I believe that is an open area; with the trash located over there and with the limited ingress and egress to this site, that they would not approve this building for food or anything that would create food refuse and the potential for mice and rats and odor. If that had been represented to them; but actually the contrary was represented; that it wouldn't be food. That's why the trash cans were acceptable at that location.

Isidoro Albanese: During this whole conversation we never knew what was going to go in there. One of the first questions was am I going to move my restaurant there, and I said no, because it's never going to meet the parking regulations.

Chairman Cosentino: Let's go back. I want to be fair with you. When we asked you the question if there is going to be food, you said, "I'm not moving my restaurant in there,

and I don't intend to have food in there." The whole board went on the premise of designing this building that you were not going to have food. You didn't know what was going in there; but it was definitely going to be no food.

Isidoro Albanese: I think you're talking about a restaurant. You said no restaurant because of the seating. There is no way I could put a restaurant in there. As far as food, the biggest thing came, if I can illustrate from our first meeting, the dumpster area was here, which was right next to here and you said maybe they are going to have seating out there; we don't want a garbage can right next to there, so we'd rather have no food here. At that meeting, I said they have the dumpster over here too, etc., and we came back and changed the location and made this a storage area so it wouldn't be next to the restaurant. Then when we put this together it was never brought up that we can't have a food use.

Vice Chairman Sturniolo: You said you stated there would not be a food use and we operated under your statement. That's why there is only one entrance and exit in the rear. There is only one curb cut and that's why there are trash cans as opposed to a traditional dumpster. Predicated on you saying no food use and that's it.

Isidoro Albanese: We said no restaurant use. Food could be a candy store, a chocolate store, a café that serves coffee.

Chairman Cosentino: We automatically knew it wasn't going to be a restaurant.

Clifford Munz: Could it still be a candy store?

Chairman Cosentino: It's food.

Clifford Munz: It's not actually correct because it's packaged, not prepared.

Isidoro Albanese: If we take every CD2 location in Mount Kisco and we say no food, and nobody could do food at any of these locations, then it's fine with me.

Chairman Cosentino: We would have designed the building differently.

Isidoro Albanese: But if there is a chocolate store and they are delivering chocolates compared to delivering boxes of TV's, we still have a way for them to back into this. Being a café or a candy store, it's not going to impact the traffic out here or here.

Ralph Vigliotti: That's your opinion. Here's where you're placing us. We can go back to the drawing board, put in another curb cut, you lose two or three parking spaces, we can require you to put a dumpster in, you may lose another one or three parking spaces, your building will now shrink in size and that will be determined by square footage. You proceeded with the application, design and plans predicated on no food.

Isidoro Albanese: Nobody ever said no food.

Vice Chairman Sturniolo: You did.

Isidoro Albanese: We're looking at a restaurant. You asked me, is there food going into this place right now? I said right now I don't have it rented. I don't know exactly what it's going to be, but I know it can't be a restaurant because of my parking out here. If we put an opening here and a truck comes in for deliveries, you are stopped in the middle here, you can't even make the turn on the site here.

Ralph Vigliotti: The traffic engineer has to make that decision.

Isidoro Albanese: It's like you're putting me into the corner saying the next twenty, thirty years this location can't have anything at all.

Stanley Bernstein: You seem to be awfully agitated and determined to have some sort of food use in that ten percent of that space. Obviously you have something on your mind.

Isidoro Albanese: I have the future in my mind.

Stanley Bernstein: Why are you so adamant now that you want some sort of food establishment in that ten percent? You don't even know who your tenant is.

Isidoro Albanese: Of course. Say that A T & T takes the whole building. I would still feel the same way. I am an honest guy. I have a ton of money that goes into this place. I really need to build this place and right now you're putting my back against the wall.

Stanley Bernstein: So build it without food. Simple enough.

Isidoro Albanese: Simple for you to say. One day in ten years, if somebody wants –

Stanley Bernstein: You must have something on your mind if you are so determined.

Whitney Singleton: I don't think that they are saying that this site can never be the site for the sale of retail foods. I think what they are saying is without making adequate modifications to the site; for ingress and egress, for the trash, etc., without those modifications they don't want food consumption, food preparation, food refuse on the site.

Isidoro Albanese: Why?

Whitney Singleton: Because the provisions right now for trash are trash cans.

Isidoro Albanese: But if you want to put a small dumpster in there, you could.

Whitney Singleton: You can't get to it.

Isidoro Albanese: Look at Bellizzi. I have five dumpsters on the site at Bellizzi. It's a trash area. If I had the area, we would put a giant dumpster there, a big truck would come in and they would dump it over. You have a small dumpster for an 800 square feet area.

Whitney Singleton: It's not 800 square feet. It several thousand square feet.

Isidoro Albanese: Well, what's left. We know in that space there is not going to be anything else. But in the 800 square feet, what kind of food place could you put in? 3,000 square feet that doesn't require any seating? The Vitamin Shoppe would have had food in there, and I couldn't put the Vitamin Shoppe in there.

Vice Chairman Sturniolo: Now I'm a little confused. Earlier you said there was no vitamin shop at all. Now you're saying the Vitamin Shoppe as an example.

Isidoro Albanese: I'm using it as an example of something that would take 3,000 square feet. I'm not trying to be confusing.

Whitney Singleton: The point is that their evaluating an application, and they have to anticipate the worst case scenario given the permitted uses.

Isidoro Albanese: What is the worst case scenario?

Whitney Singleton: Worst case scenario is traffic generation; parking.

Isidoro Albanese: What kind of store going in there would be the worst?

Whitney Singleton: It depends on what your concern is. If your concern is refuse, I would guess a food store would probably be the worst.

Isidoro Albanese: Such as?

Stanley Bernstein: Such as a pizza shop. 3,000 square feet is big enough for a pizza shop.

Isidoro Albanese: With no seating?

Stanley Bernstein: You could still get a couple of tables in them.

Whitney Singleton: May I just finish my point? The point is that the Planning Board circumscribed their review as to what the appropriate location was for a dumpster, as to what the appropriate ingress and egress was to the site, as to the proper layout of the site in all respects predicated on the fact that they were operating under the assumption that there would be no sale of food on this site.

Isidoro Albanese: That was never agreed to.

Whitney Singleton: They are saying that was represented to them.

Isidoro Albanese: Why wasn't that in the resolution?

Vice Chairman Sturniolo: There are going to be other things added to the resolution once it finally gets approved.

Isidoro Albanese: Why wouldn't that be in the resolution?

Nanette Bourne: There are other things we have been working on. It's difficult.

Vice Chairman Sturniolo: There will be other things added to that resolution down the road once this gets approved.

Isidoro Albanese: I thought tonight was the approval?

Chairman Cosentino: It is.

Isidoro Albanese: I know at the last meeting we tried to bring up; is there anything else we need to know about?

Chairman Cosentino: We thought no food. All of a sudden we brought up that the resolution was going to say no food, and this is where we are. This whole board assumed no food.

Vice Chairman Sturniolo: And as Stan said, you really seem overly concerned with that ten percent of square footage.

Isidoro Albanese: I believe in the future. In 1993 my landlord offered to sell me the building for two or three million dollars. I didn't see the future that it was going to be that valuable to me. My rent went from \$90,000 three years ago to \$230,000 now. Now I'm looking at the future in ten years if this person wants to get out of here, or if I get somebody next week that wants the 800 square feet as a food use, I have to turn down every food use, and maybe I can't rent it to anybody else.

Vice Chairman Sturniolo: You said initially three stores. Now, it's A T & T that is going to take two stores and a question mark over the third.

Isidoro Albanese: Conceptually it was three, now it's two. We didn't know what it was going to be.

Chairman Cosentino: Keep one thing in mind. There are five members here tonight. You need a majority vote. That means if two members do not vote for this or abstain, it doesn't pass.

Isidoro Albanese: Where do we go from here? I didn't think I needed legal counseling here.

Chairman Cosentino: We didn't think you did either.

Ralph Vigliotti: Maybe we should table this.

Isidoro Albanese: Why would you table it? If I need to bring counsel to find out if this is fine with us, you're trying to make me make a decision based on the facts that are here. I've never agreed to that. If you put my back up against a wall and you say I can't build this and it's a legal right if you don't take out the food, and you're the only one in Mount Kisco that can't have food in a CV2.

Chairman Cosentino: I want the record to state that we did not say you cannot have food. We were under the premises in your statement that you did not want food.

Isidoro Albanese: I'd rather not have food, I even say that now.

Chairman Cosentino: This building, and you did a very nice job, was designed not for a food store. It was designed as you said, vitamins, something like that and we were happy with that. Everybody on this board said no food. I just happened to bring it up to put in the resolution because I knew you didn't want food anyway. So I figured I'd put it in the resolution. That's why we are here now. Now all of a sudden you want food.

Isidoro Albanese: I don't want to put a food place in there.

Chairman Cosentino: So if he doesn't want food there, then that's no problem. Put it in the resolution.

Clifford Munz: I believe he wants to keep the market open.

Isidoro Albanese: The 3,000 square feet that we have now that is going to be taken by A T & T; how about if no food is allowed there, but I have 800 square feet where we allow to put food in there as long as it's for retail, it meets the parking regulations, and it fits everything that CV2 does.

Vice Chairman Sturniolo: Mr. Chairman we're really spending a lot of time on this. We're really close to making a motion to table this. The applicant had represented to us there was not going to be any kind of food associated with this whether its retail or not, and I think as we've all said repeatedly that if there was food from the beginning we would have asked for a re-design of the parking area, less parking spaces, a smaller building and a second driveway in the back.

Chairman Cosentino: I want to get one thing clarified. He has just represented that the 3,000 square feet would not be used as food. And the 800 square feet would be used as candy or chocolate or something like that – is that food?

Whitney Singleton: If your concern is the preparation, the refuse, the generation of traffic associated, then you're covered by having a prohibition on anything generating refuse, etc., if there is no preparation and no on-site consumption that might be a different thing.

Chairman Cosentino: So if we said no preparation or consumption of food in the 800 square feet, does that answer the question?

Whitney Singleton: Nannette has something drafted. It says "food preparation and food retail shall not be permitted without returning to the Planning Board for site plan modification to accommodate appropriate ingress and egress points, garbage and trash provisions and delivery access."

Clifford Munz: What if the word "perishable" was in there?

Vice Chairman Sturniolo: I wouldn't even go with that. I don't think we should have food on this site at all, and trying to cut the pie so thinly that we're now going to have to monitor 800 square feet versus taking the applicant at his word, when he said there was not going to be any food on the site. Again, we're repeating it one hundred times. If we had known you had a remote desire for food, we would have had less parking spaces, another point in the back to get in and out, and obviously the building would have been redesigned smaller to accommodate less parking spaces.

Sol Gibbons: I have to agree with these people. It's a question of getting in and out of this parking lot. If you have a restaurant there you have to have trucks coming in, and you have to get rid of the garbage; it's a big problem. I have to agree with what they're saying.

Isidoro Albanese: If somebody put in a cheese shop ...

Ralph Vigliotti: Now you're talking preparing.

Isidoro Albanese: But it doesn't affect the egress. They are coming in and parking to buy a pound of cheese, they come out get in their car and go back out. Or say if it's a café. Somebody wants to go get a cup of coffee.

Stanley Bernstein: Coffee is preparation.

Isidoro Albanese: You have some wrappers, of course you have perishable food. Every other establishment in Mount Kisco and restaurant has to have a dumpster area; somewhere they could put the garbage and close it up. If they don't have it they are going to get a fine from the town. It's the same thing as where I am now which is right next to the buildings.

Vice Chairman Sturniolo: Specifically that's why you went the route with garbage cans to support the concept of no food.

Isidoro Albanese: In a small operation you can still have garbage cans. You don't have to have a dumpster. But if you want a dumpster we can put a dumpster there. The biggest worry for you is the three thousand. If this becomes a big food place you're going to need a giant dumpster. You're going to get thousands of pounds of garbage a week.

Ralph Vigliotti: We wouldn't even be here today if it was going to be a restaurant.

Chairman Cosentino: If he goes along with this tonight and he decides he wants to rent out the 800 square feet what is his option after the fact that we take vote on it at no food and he has 800 square feet left.

Whitney Singleton: The restrictions that your board is talking about is for the site; not for 800 square feet.

Nanette Bourne: If for some reason he chose in the future to change some portion of it, the condition that we just read; he will have to come back to your board.

Whitney Singleton: And what he might need to do at that point in time is if in relocating a dumpster and revamping the site in such a fashion that garbage trucks could get in and pick up the trash, if it involves a new access point or widened access point and he lost a parking space, he can come back at that point in time. The fact that he might lose a parking space or two does not kill the viability of this project.

Vice Chairman Sturniolo: You would just have to reduce the size of the building.

Clifford Munz: Or you could ask for relief on the parking because we have a net loss of zero. We have an actual net gain, if you will, towards the \$25,000 apiece, we have just contributed \$100,000 worth of parking spaces. If he were to come back and he said I can get the second means of egress in and out; I have to lose a couple of spaces, I think then that ought to be sufficient for dialogue.

Whitney Singleton: That's not for dialogue with this board. That's for dialogue with the Village Board.

Vice Chairman Sturniolo: But it would be \$25,000 per space that you would lose.

Whitney Singleton: Not that he loses. To the extent that he has a shortage. I don't know what is going up in the building. For all I know it may be Persian rugs, in which case he has a parking requirement of one per 300 as opposed one per 150. He may have a net arrangement here where it's not a problem; I don't know.

Vice Chairman Sturniolo: But it's predicated on the square footage; not the tenant.

Whitney Singleton: We have to provide for all the various permutations and potential outcomes relative to this site. Nobody is telling you that this site can never have food. Let's be clear on that. The way it's been designed to date has been predicated on a representation that there would not be food. Mr. Albanese, you answer the question. How would you feel if you were a restaurant and this board approved a series of unsealed trashcans without a cover right next to the front door of your restaurant, which essentially what this is for The Brass Horn.

Isidoro Albanese: We moved it over. It's the side door not the front door.

Whitney Singleton: The main entrance here on this.

Vice Chairman Sturniolo: Most people use the side entrance to the restaurant because of the access to Blakeby Lot.

Isidoro Albanese: Say if next week I have an ice cream shop that wanted to come in. Now, I have to go before the board and it's going to take two to four months to get that person in?

Ralph Vigliotti: If that's the procedure then that's the procedure you need to follow. The representation up to this point has been predicated on no food. Conceptually speaking, you would not have gotten past the first night if you started talking about an ice cream shop, a pizza shop; whatever. You do have an option to come back before us. We're just trying to get past this piece tonight. If the board votes on it you're able to move forward. If a year from now, you want to come back and try to squeeze a soda fountain with ice cream, you need to come back before this board. That's the planning procedure; it's not going to change. You have every opportunity to do that. The Planning Board at that time will make a decision on the dumpster, ingress/egress, number of parking spaces based on this new use that is a food use; if that's what you're thinking two months from now or six months or a year from now.

Vice Chairman Sturniolo: Pay the \$25,000 for the loss of spaces or reduce the size of your building.

Isidoro Albanese: Can we put this to the next meeting so I can get to talk about it. Then this way I could just see.

Whitney Singleton: Can we do one other thing for the benefit of staff? Can we go through the other provisions that we thought were appropriate to insert in this so that they don't come at us blindsided?

Isidoro Albanese: Sure.

Nanette Bourne: The revision date of the site plan that was brought to you is October 17, 2007. This site plan was designed at the request of the on-site meeting which included Austin, Jim Palmer, the applicant and I. There were some changes made to the primarily off-site, some minor on-site that are not reflected in the prior site plan submission. It needs to be all re-submitted.

Clifford Munz: It should be sufficient.

Nanette Bourne: The entire package. So it either needs to be re-submitted for the November 13 meeting, or a Condition of Site Plan Approval if you re-submit it. That could affect the dates on the front. It requires some minor changes to grading, drainage, nothing significant, and all of that was discussed and agreed to in concept. Do you agree?

Clifford Munz: Yes. I thought I put notes on it for positive drainage. It's there.

Nanette Bourne: Right, but it's not reflected in your draining plan in your big submission. And nothing is substantive; it just needs to be updated.

Anthony Oliveri: That needs to be resubmitted as a full set?

Nanette Bourne: It's really a question to the board if you want that re-submitted.

Anthony Oliveri: The resolution needs to reflect those dates.

Nanette Bourne: If it's a condition of site plan approval then prior to the issuance of a building permit, the entire site plan package has to be updated. It's up to the board.

Chairman Cosentino: It can be done by the time he comes back, can't it?

Nanette Bourne: As a condition, or have them update and complete? He won't make the submission. It would be for the first meeting in November which would be the regular meeting.

Chairman Cosentino: If we make it a condition, if he comes back, I don't want to hold him up either.

Nanette Bourne: If this is back on for final approval it will be for the November 13th regular meeting.

Clifford Munz: Two weeks ahead of November 13 is?

Whitney Singleton: Tomorrow. What they're trying to address is it sufficient that it be a condition of approval, or is it sufficient that the submit?

Chairman Cosentino: We can make it a condition of approval so we don't hold you up. Are you done, Nannette?

Nanette Bourne: Before that, as a Whereas, before we get to the conditions, Whereas the applicant has represented that points of ingress and egress and trash provisions have been designed for non-food uses. We had talked about adding that as a Whereas.

Vice Chairman Sturniolo: Based on the applicants representation.

Whitney Singleton: On Page 3, Number 7 it says *project shall adhere to the architectural character of the proposed structures as shown on the site plan and referenced in this resolution. Substantive modifications made subsequent to site plan approval must be reviewed and approved by the Architectural Review Board*; that should be substantive Architectural Modifications, not substantive site plan modifications.

Chairman Cosentino: All applicable?

Whitney Singleton: Yes. Really it's the second sentence. *In the event that such a permits require any modification to the site plan approved by this resolution a determination shall be made when the building inspector and Village Engineer as to whether the modification is substantive* – I don't like the way it reads. It should be is substantive requiring further Planning Board review and approval instead of they should return to the Planning Board. The Village Engineer and building inspector shouldn't be charged with discretionary authority. For substantive change, they should refer to the board. On Number 11, *the landscaping shall be maintained for the life of the facility*, that's fine, the next sentence *says the applicant developer shall be responsible*; that should be the property owner; whoever it is at whatever point in time. That's all I have on page three. On Page 4, Number 22, and I can work on this final language with Nannette. I don't think that we should be providing for performance bonds for what might or might not be on the site. I think what we should do is we should simply have language that says the applicant shall submit an irrevocable performance bond to the Village of Mount Kisco in an amount to be determined by the Village Engineer and approved by the Village engineer as to form to insure proper site remediation preparation and improvement both onsite and offsite. So in other words it's just a general bond.

Anthony Oliveri: But I think we can say that the applicant should provide an engineers estimate for the amount of the performance bond to be reviewed and approved by the Village Engineer; not that we should set a price. They need to submit an engineers estimate. The applicant shall submit an engineer's estimate for the amount of the performance bond to be reviewed and approved by the Village Engineer and Environmental Engineering Consultant.

Whitney Singleton: Do we really need an Environmental Consultant?

Anthony Oliveri: There are remediation issues here, too.

Whitney Singleton: But we're presuming and, correct me if I'm wrong, be represented that you have a clean bill of health from the DEC?

Isidoro Albanese: Yes.

Whitney Singleton: We could say subject to modification.

Anthony Oliveri: My main issue is they provide an estimate.

Whitney Singleton: We'll work out that final language. We don't have to waste everyone's time.

Nanette Bourne: On 26, do we still need to have backing up of delivery vehicles since there is no driveway?

Whitney Singleton: I think that was during construction, wasn't it? They have a proposal for a construction entrance, don't you?

Clifford Munz: Yes.

Whitney Singleton: 23 is a typo. It should read sump pumps.

Anthony Oliveri: On Number 14, this is under the staging and construction plan to be supplied, I know there was some talk about fencing, some solid construction fencing be placed around the site. Maybe that should be made a provision of this plan to include a solid plywood construction fencing.

Nanette Bourne: Is that when you make the changes?

Clifford Munz: Our fencing that we have going around, it was anticipated it was the same fencing going around the new library, which was chain link with privacy fabric. I don't think you need to have plywood.

Vice Chairman Sturniolo: I would like to see the plywood surround the entire site.

Anthony Oliveri: I think it was discussed at one point.

Clifford Munz: We were discussing what was called hard fence. Hard fence, as we looked at the other site, is temporary but we did talk about the existing fence that will remain

up, which is presently a board fence, and on the other property line, the north property line there is a building, so that's irrelevant, so we just have the east and west property lines to contend with. In fact, being that there were only two, I think we were anticipating the same fence as at the library, which seems to work adequately.

Anthony Oliveri: I think it's up to the board as to the type of fence they'd like to see there.

Vice Chairman Sturniolo: I'd like to see solid wood.

Chairman Cosentino: I think because you have a sidewalk there. The library doesn't have a sidewalk.

Vice Chairman Sturniolo: Also, there is a restaurant that needs protection from one of its two entrances on Main Street.

Clifford Munz: I'm not arguing the fact; not at all, sir.

Vice Chairman Sturniolo: So that's all part of 14, Anthony?

Anthony Oliveri: Yes. That could be included under staging and construction plans. And it's elements of that plan.

Clifford Munz: Does that not appear on the DOT plan that's in your package?

Anthony Oliveri: I would just note it in here.

Vice Chairman Sturniolo: So we have that, Nannette?

Clifford Munz: Solid wood fence, we can use plywood, which is fine for everybody?

Anthony Oliveri: Under Number 12, the site lighting; you might want to just note under the approved photometric plan with full cut-off fixtures. Someone had a concern about that.

Clifford Munz: I did the research on these fixtures, and with those fixtures I went to the actual manufacturer of the pictures you all have, and the way, the only way for those particular fixtures, which happen to be on the property; they are not street lights, if you will, the two twelve footers? The only way to be a full cut off is you have to use the aluminum cap; the entire cap on the top. It's fine. It doesn't look like the other ones any more. It's a similar shape, it's the same neck, it's the same flutes. Versus the same fixture with the obscured cap, which is clear but it's obscure, and a reflecting bulb which reflects downward. Five percent, comes out the top, which is one-third of what's coming out the top now, but looks more like your lights. If you want full cut off, it will be the same light with a solid top, and if that's alright, it's alright with me.

Anthony Oliveri: It's probably the call of the board. I know the code requires the full power.

Vice Chairman Sturniolo: I think, Mr. Chairman, we should go with the full cut off. We've done that with every other applicant.

Clifford Munz: Okay.

Vice Chairman Sturniolo: Is there a way regarding Number 21, which talks about the weekly inspection report. Is there a way to kind of bolster that language so it doesn't slip through the cracks, and can the Planning Board receive written copies of this weekly report that the applicant's consultant is going to prepare?

Nanette Bourne: We can add that.

Clifford Munz: Remember this is in the event that remediation is required. If there is no remediation required, I do not have to hire a hazmat person to inspect and sit on the site week for week and provide a report that says there is nothing to report. We have to be clear on that.

Nanette Bourne: That's not what it says. It says the applicant shall hire a hazmat consultant to monitor the site during all demo and construction activities.

Clifford Munz: Read the last sentence. Until it is remediated.

Nanette Bourne: The weekly inspection.

Clifford Munz: That's what I'm saying. If there is no remediation there is no written inspection. So you can't hold me to the entire demo process and construction if likely; first in all likelihood there isn't any, because you have a clean site; secondly, when the building is gone –

Anthony Oliveri: You'll be held to it until you get to a point where we decide it is clean.

Vice Chairman Sturniolo: We can take out that remediation portion.

Nanette Bourne: I understand what you're saying, but it would be silly, with the concerns that the board has, someone's not out there when you're demolishing and digging up the site.

Clifford Munz: Demolition makes good sense, but not construction.

Nanette Bourne: When you're digging into the site, that makes sense. The demo and the digging.

Clifford Munz: So after your foundation inspection, can we call them off?

Anthony Oliveri: You have to make it at a point when the Environmental Consultant decides that we're satisfied and the site is clean.

Vice Chairman Sturniolo: So what is the language we should change to achieve what you just said?

Anthony Oliveri: (quoting Item 21) *a written weekly inspection and maintenance report shall be prepared* until such time as the Village Environmental Consultants concur that remediation is achieved. Or no remediation is needed.

Whitney Singleton: Wouldn't you rather say that either remediation is achieved or that no further monitoring is required or is necessary?

Nanette Bourne: Why don't we play with this?

Anthony Oliveri: Yes, something along those lines.

Clifford Munz: That's fair. I think that the Environmental Engineer Professional could then offer his opinion and say I'm not needed anymore.

Anthony Oliveri: And that will lock in for the whole project.

Vice Chairman Sturniolo: Mr. Chairman, the other point I have is I'd like to see another item that even though there is going to be a three-quarter inch plywood wall along Main Street, there is not going to be any construction personnel equipment or materials on the sidewalk in front of the site.

Anthony Oliveri: You can probably put that under Number 14.

Nanette Bourne: So you want that added to Number 14?

Anthony Oliveri: Yes, as part of the staging and construction plan.

Vice Chairman Sturniolo: The other thing; it may be on the plan, the poured in place concrete wheel stops for the parking spaces.

Clifford Munz: There are none, sir.

Vice Chairman Sturniolo: Then we need to add that into the resolution and also add it to the drawing. Are there wheel stops there?

Clifford Munz: No, sir.

Anthony Oliveri: We went with concrete curbs.

Clifford Munz: Curbs are concrete cold pour and detailed as such.

Vice Chairman Sturniolo: It's on the plan, okay.

Nanette Bourne: In other additions parking shall be used for on-site uses only. I'll take the condition that was developed for Coca Rumbas.

Clifford Munz: Was the condition; until after hours? There was on-site until after hours and then it was opened to the public?

Whitney Singleton: We have a problem with the town where hotels are renting out to health clubs, other people are renting out their parking lots during all hours of the day or in the morning, or all day long, and what is essentially happening is one parking lot is becoming a support system for uses it was never intended. Under our Code, all on-site parking is required for on-site uses, and all off-site uses have to have parking on their own site, except to the extent that there is already a Blakeby lot right there next to it. People would not be prohibited from parking there and coming to your store. We have a standard provision. It's not in the resolution. It reads a lot better than I'm wording it right now, but it's one that we've put in other site plan approvals.

Clifford Munz: Another question we had some time ago was would there be a chain across it, after you close at the end of the day. Izzy, you said there would not be a chain across?

Isidoro Albanese: No.

Clifford Munz: And if somebody wanted to park in there after closing hours, somebody could use it after closing hours, which is what we said.

Isidoro Albanese: I think they're talking about renting them.

Clifford Munz: We wouldn't rent them, no; they're free.

Nanette Bourne: Another addition is all site plan engineering drawings shall be revised and re-submitted to the building officials to comply with the on-site and off-site improvements as shown in the Village Board submission dated October 17, 2007; which is what we talked about.

Clifford Munz: Can we be on the same page that with the other four or so supporting sheets, as long as they support, the 10/17; everything we've discussed and what we've flagged, then we would have been in compliance? I don't want any surprise. I can go through the process make everybody reflect one another with the proper date, but what I'm saying is, in anticipation and knowing exactly what's in the package, that the detailing and such is all supportive of what's on that 10/17 sheet.

Nanette Bourne: What you subsequent to November 13th meeting has to be a complete set of this bound in the same way that this is bound with consistent dates, with everything in compliance with what is required for site plan approval.

Clifford Munz: Yes.

Nanette Bourne: It can't be sheets.

Clifford Munz: No, this is not what I meant at all. I meant, if I am detailing, or if I am calling a particular item on that site plan, i.e., guardrail, the detail that is showing is what we spoke. You're not going to ask me for another guardrail or another kind. As for an instance, that's something else that has been highlighted or keyed in as special note Number 1 per se. I want to give you proper package coordinated just right so that we have something to really go on and vote on.

Nanette Bourne: I think we're clear on that.

Clifford Munz: Right. The details are on your sheet presently, and that's fine because there was a change, if you will, in the design in the element. As long as on the site plan it says "see sheet etc., or the detail sheet or whatever it takes, that detail has to show up on your package of five pages. I'm with you. I'm just not looking for another detail or something else; a note saying I will not put something in, or I will put a particular post stanchion, or something of that nature. I want to make sure I catch everything for you so you have a complete package.

(Dialogue about procedure and the length of time it takes for site plan approval)

Whitney Singleton: I would like for everyone's benefit, for clarification of one issue, particularly my own benefit with regard to what we are looking at here, and we're not prohibiting food use. What the Planning Board has been operating under the auspices of;

it's not that you're prohibiting a food use, it's that we would have to come back to you for ingress/egress, delivery issues, refuse issues, stuff of that nature, correct?

Vice Chairman Sturniolo: Predicated on that, you would like an approval tonight?

Isidoro Albanese: Sure.

Vice Chairman Sturniolo: Then listen very carefully , and Nannette would you mind reading that again? Listen very carefully to what Nannette is going to say and what I just said to you about you would like an approval tonight.

Nanette Bourne: This is the condition. *Food preparation and food retail shall not be permitted without returning to the Planning Board for site plan modifications to accommodate appropriate ingress and egress points, garbage and trash provisions, and deliveries.*

Whitney Singleton: Going back to my point, though, it is the consensus of your board that prior to a food use being initiated on the site, that would have to be accommodated, that would have to be undertaken by the applicant. It would have to come back for modification to the site plan to address those few issues. With regard to what's prohibited on the site, right now it reads, *anything involving food preparation or food retail*. Is that the spirit of what you're trying to capture? Because I don't want the applicant to be under a misunderstanding, more importantly me be under a misunderstanding. It's the preparation and food retail.

Ralph Vigliotti: Preparation, consumption and food retail.

Vice Chairman Sturniolo: Mr. Albanese, again, you want an approval tonight, think of those words.

Isidoro Albanese: Let me ask you a question. Say you give me the approval tonight and next week the chocolate guy comes and says I don't want to go on Lexington Avenue, I want to come to your place, but I'm not going to do birthday parties there.

Vice Chairman Sturniolo: Bad example.

Ralph Vigliotti: You'd have to come back before the board.

Isidoro Albanese: So I come back before the board. How long do you think it would take, looking at the plan the way it is now, with that kind of operation, if you look at this space here where that second entrance would be. We actually give you guys another parking space there; at the request of the town, let's put another parking space there. So this was another entrance that was closed off in order to get another parking space for the town.

Vice Chairman Sturniolo: You're this close and your mudding the waters with these examples.

Ralph Vigliotti: It could take three to four months.

Isidoro Albanese: It's going to take me longer now in order to build this property. I have this time in order to get an approval for such a place. Do you think, the way the plan is now, in your opinion and you're all here, would that be possible?

Chairman Cosentino: Do you realize what you're telling us right now? You're telling us that you already have somebody that's going to go in, and you're not telling us who it is.

Isidoro Albanese: No I don't.

Chairman Cosentino: I wish you would just tell us what's going to go in so we could help you.

Isidoro Albanese: I wish. One person looking at it is Rita's Ices; which would compete with me. They sell ices. I don't even know if they are going to pay a rent. I'd like to get in a Swatch or a Rolex; something like that.

Chairman Cosentino: The bottom line is this. You want to accept what's in there, or don't you want to accept this?

Isidoro Albanese: You don't want to give me your opinion on this?

Vice Chairman Sturniolo: There are too many variables.

Clifford Munz: At least three months; so we might as well get three months of rent.

Isidoro Albanese: Are you guys going to be fair about it if I do get somebody else?

Chairman Cosentino: We've been fair with you all along.

Vice Chairman Sturniolo: Do you want Nannette to read it one more time?

Isidoro Albanese: No, no.

Chairman Cosentino: We are trying to help you. We can table it and say no food at all and vote against it. Please realize we are trying to help you.

Isidoro Albanese: I do. The only thing is nobody else has this restriction.

Vice Chairman Sturniolo: Then let's go to table it.

Isidoro Albanese: No, you don't have to; I'm just talking here.

Vice Chairman Sturniolo: You are ninety nine percent of the way there.

Chairman Cosentino: I think you should listen to your architect. That's up to you. I can't sway you one way or another. If you want an approval tonight, we're willing to help you out.

Whitney Singleton: I think it's safe to say on behalf of your board that what he's going to have to do to the site and how long it will take if he comes back with one of these food tenants, is a function of what he brings with him.

Clifford Munz: And it isn't impossible. That's an important point. If he wishes to come back, and you know I could be creative enough to come back and make this thing work. If that were the case, it is not impossible to do.

Chairman Cosentino: Nothing is impossible. There are no guarantees, but it's not impossible.

Clifford Munz: Correct.

Isidoro Albanese: Let's vote on it so I don't have to come back next week.

Vice Chairman Sturniolo: Again, it's not impossible but we've all cooperated, and I hope this is the last time all of us say this statement, we've all operated under the assumption that there is no food on the site; that's why the ingress and egress was designed as so, and that's why the trash cans are there. If down the road you come back with some applicant that involves food, you may have to provide a second point of ingress and egress in the rear, you may have to lose parking spaces, you may have to pay the \$25,000 per and/or you may have to reduce the size of your building and the dumpster is the least of it. This is what we are saying over and over and over again tonight.

Clifford Munz: We have a formula to follow in the event; at least we have an idea.

MOTION THAT A NEGATIVE DECLARATION IS DECLARED ON SEQRA; THAT THERE IS NO ENVIRONMENTAL IMPACT ASSOCIATED WITH 134 MAIN STREET.

Motion: Stanley Bernstein
Second: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Stanley Bernstein
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Nanette Bourne: There are several modifications; I will go through all of them. On page 3, Whereas the applicant has represented that points of ingress and egress and trash provisions have been designed for non-approved uses, condition number 7, second sentence; substantive architectural modifications architectural has been added, condition nine; the last sentence, in the event that such permits require any modification of the site plan approved by this resolution, a determination shall be made by the building inspector and Village engineer as to whether the modification is substantive requiring

further Planning Board review and approval. Condition eleven, second sentence; the property owner shall be responsible, on page four, condition 12 will be revised and inserted within it will reference that elimination has to include full cut off fixtures; condition fourteen shall be revised to incorporate the requirement of solid wood fencing shall be provided around the site, and also no construction materials and supplies shall be located on the public sidewalk.

Clifford Munz: Please clarify the solid fencing. It's important because it's quite a bit of money.

Vice Chairman Sturniolo: The side where it butts the restaurant is not necessary.

Clifford Munz: Nor is the one where the existing fence is. There is an existing fence, a town fence, right now it's remaining until the entire duration until we're finished, so all we need is Main Street and the Blakeby lot.

Vice Chairman Sturniolo: Correct.

Chairman Cosentino: Or as the direction of the building inspector.

Vice Chairman Sturniolo: I don't want that to be able to be interpreted by the building inspector as you don't need solid fencing.

Chairman Cosentino: No, we want that; but any other areas to be determined by the building inspector or engineer. Any other areas if he wants to add to it.

Nanette Bourne: Condition 21 will be revised to incorporate there will be at the discretion of the environmental engineer, whether weekly inspections and maintenance reports can be terminated. Condition 22 shall read the applicant shall submit an irrevocable performance bond, and Whitney will provide the standard language for that. Twenty three, the typo sub pumps shall be changed to sump pumps. On the final page, condition 30, parking shall be used for on-site uses only. Condition 31, all site plan engineering drawings shall be revised and re-submitted to the building inspector to comply with the on-site and off-site improvements as shown on the Village Board's submission dated October 17, 2007. A Condition 32 shall be added; food preparation and food consumption and food retail shall not be permitted without returning to the Planning Board with modification to approved site plan to accommodate appropriate points of ingress and egress, garbage and trash provisions, and deliveries.

Vice Chairman Sturniolo: Do both of you clearly understand what Nannette just read?

Isidoro Albanese: There are still some clarifications on wording that has to be done.

Whitney Singleton: As far as to the language that I am going to provide as to the text of the performance bond. Substantively it's not going to change.

Clifford Munz: in order for me to prepare in advance, when can I see a draft or something outlining the language and what we're all expecting?

Whitney Singleton: Nannette will send out a draft to everybody and we'll finalize the language. My guess would be beginning of next week.

Vice Chairman Sturniolo: I just need to understand in my mind and for the record that you understand everything that Nannette just read with the exception of the explanation that we just heard from Whitney.

Isidoro Albanese: Yes. There were other changes in here we didn't get?

Chairman Cosentino: No, you got everything.

Vice Chairman Sturniolo: And the last part of the question. You agree to this?

Isidoro Albanese: Yes.

Motion to site plan approval with additional modifications as outlined by Nanette Bourne for 134 Main Street, Isidoro Albanese, PB2007-6, Date of Action, October 23, 2007, Tax Map Identification 80.25-2-5 and 80.25-2-6.

Motion: Ralph Vigliotti
Second: Sol Gibbons
Aye: Stanley Bernstein
Aye: Ralph Vigliotti

Aye: Sol Gibbons
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Chairman Cosentino: Next item, Westchester Residence and Club.

Nanette Bourne: In regard to Westchester Residence, it will be a good idea after the comments are given to you for the November 13 meeting, that a meeting be set up to go over some changes. There is some structure of the document that needs to be fixed. It's not healthy to continue to go review after review after review. So after the next round of comments, I'd like to be able to sit down with them and change it.

Chairman Cosentino: Okay, good.

Vice Chairman Sturniolo: We should plan on coming up with next years calendar and we should also plan on the rules of the procedure if we need to make any modifications to them. We only have one meeting in December.

Motion to close meeting by Vice Chairman Sturniolo.

Meeting adjourned at 10:25 pm.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary

dm