

Minutes
Meeting of the Planning Board
Regular/Work Session
Village/Town of Mount Kisco
Tuesday, November 13, 2007

Meeting called to order at 7:40 PM, Tuesday, November 13, 2007, at the Municipal Building Mount Kisco, New York.

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

Members Absent: Joseph Morreale

Staff Present: Nanette Bourne
Anthony Oliveri
Whitney Singleton

Formal Application:

**The Park
333 North Bedford Road
PB2007-14**

Present: Michael Gallin, Architect
Jim Diamond, Diamond Properties

Staff Present: Lester Steinman
Michael Landler

Recused: Doug Hertz
Whitney Singleton

Michael Gallin: Unfortunately, I wasn't able to be here at the last meeting, although I heard through the grapevine that Jim Diamond represented the project probably better than I could have. Since we presented last, we have provided supplemental information in this book, the one everyone has, and I have larger scale versions of all the materials submitted. Included in the package was the overall site plan. We provided additional detailing on the site plan via larger scale drawings. We've also submitted detailed information on Mount Kisco Athletic Club, the so named New York Sports Club. There was a package on traffic that was provided, an analysis and letter from John Collins. We submitted a parking analysis with a series of three diagrams that represented the lot at three times that we deem to be the peak parking utilization hours. We received today a letter from F.D. Clark that addresses several issues, probably some of which are worth discussing this evening. We are also in a position to walk you through each of the programmatic functions to the extent that you deem is appropriate to explain the uses, to explain any accessory functions associated with those uses; hours of operation and the like.

Chairman Cosentino: I've got to tell you up front, Jim, I am very disappointed, and let me tell you why. I honestly believed, sitting through this whole program with Grand Prix week after week; I could be wrong, but in my own mind, I don't know about my board members, I was constantly told that this was going to be corporate. Goldman Sachs was mentioned, and there was going to be classroom work. All of a sudden to me it seems like a catering outfit. We were never told that outside was going to come in and it was going to be something like catering. The hospital has a function there. My understanding is, and if I'm wrong correct me; are there large functions coming in there other than members, other than what we thought was going to be there? We thought there was going to be go-karts, yes; we thought corporate was going to be there. Our understanding was that you were going to have classrooms. After the classrooms, they were going to go on the go-karts. Nothing about big functions. There was not one thing in one set of minutes that said there was going to be large functions as this guy is booking. I went through the minutes. Large functions bring many automobiles and many people. What happened? What happened with what we thought was going to happen and what is happening now? Clear my mind.

Jim Diamond: I think Sy's business model from the beginning always had; and we always talked about three drivers of business, no pun intended. There was the corporate event market, they arrive and drive, and then there were individual league-type events. Essentially there is a series of six conference rooms for the corporate events. If you walk in the facility on the right-hand side, which can be joined together to either two larger rooms or six small rooms, flexible configuration. Within those facilities he can have events of various sizes throughout the operating hours. Per his approval resolution, he's prohibited from having events over 120 people without approval of the building inspector and the Chairman of the Planning Board and he's limited to twelve of those events per year.

Chairman Cosentino: One a month.

Jim Diamond: Correct, on average. So those are still the conditions under which he has to operate.

Chairman Cosentino: Understand that nothing was said about these big functions. I took out every set of the minutes. Jim, you're an honorable guy. For three days I did nothing in my office but read minutes. I couldn't find one thing in the minutes that said large functions from the outside. I guess there is going to be a function with the business association or something; it was in the paper, and other functions. We would have taken that into account and say if you're going to have large functions such as that where there is going to be a few hundred people, or maybe two or three hundred people, as a hospital, which is a good cause, maybe five or six or seven hundred people. We have a job to do. This Village has to know that. And we didn't know it, and I'm just finding out now, and I'm very, very upset. It makes me dot my I's and cross my T's with anything else that goes in there.

Jim Diamond: I think that the intent in terms of limiting his functions, any function over 120 to 12 per year; obviously the hospital function counts as one of those.

Chairman Cosentino: I'm not saying that's bad; that's a good cause. But I use the word catering house because it is what it is. You're bringing big, big outfits in there and you're catering parties to them. If it's not so, make me feel good and tell me it's not so. I want to feel good, but right now I don't.

Jim Diamond: There definitely is food service, there definitely is catering; but I think it's all within the parameters.

Chairman Cosentino: You use the word catering, I used the word catering. In every set of minutes I read, there wasn't one set of minutes that said a catering function. It did say a tournament, functions of corporate coming in; that's all it said and that's what this board believed was going to be there. Being a business man, right from the get-go I said a part of this puzzle is missing, and I didn't know what it was. I finally found out what part was missing, and that's what it is.

Jim Diamond: I don't think anything has changed, I think it was represented. The kitchen was always shown, the café.

Chairman Cosentino: That was always shown. We reduced the size. It was originally 5,000 square feet. We reduced it, I think to 3,100 square feet, and I think we even went down less than that; I'm not sure. But still, in our minds it was a function for corporate, and he mentioned Goldman Sachs; I wrote notes on that. They were coming in and the questions were asked; what does he get a day, how many people were going to be in there? Nothing ever about large functions; we have to address that. I like what you're doing for the Village of Mount Kisco and I have to emphasize that. But this really, really upset me as the Chairman of this Board. When I heard these things were happening, I had to go back on the minutes to get my facts straight. My facts are straight and this has to be addressed.

Jim Diamond: I think that the protection that Mount Kisco has always had with this property and with the Grand Prix use, or the trip generation limits that were put in place. So, Grand Prix has parking limits and trip generation limits and the property as a whole has trip generation limits.

Chairman Cosentino: We are going to talk about the parking. You may have a deficit there also. But I said what I had to say. We're going to address this again and I'm glad Vice Chairman Sturniolo had the sense of putting in the resolution that these catering outfits were by permission of the Chairman of the Board and by the Building Inspector. That curtails a lot of it that may answer a lot of the questions. You may have an outfit

down there that's going to come in and we're going to see six or seven hundred people that we've given you permission to do, and when he comes in for another, he may not get the permission to do it. We're not going to bottle up the Village or that area because we're going to have eight or nine hundred cars. And I'm going to address Saw Mill when I get there too for these functions. He should be able to have them; there is no doubt about it. We need to know what's going on. You're doing a wonderful job down there, and we want to keep it that way. I needed to tell you that. Let's go on.

Michael Gallin: I think it may be prudent at this point, unless you were to suggest otherwise walking through the issues addressed in F.D. Clark's memo? I think in discussing each of these issues it will bring up other things and feedback from the board that will allow us to provide you the information that you need to get a better understanding and build that comfort level to cross those T's and dot those I's. F.D. Clark's memo breaks down the analysis into the Mount Kisco Athletic Club, which is the special permit, the traffic study and the parking analysis as the main function. The first item on the memo is a bit of an administrative issue. There was some discussion between my office and Nancy about the type of application. If there is any error on that we will obviously modify that and make that correction.

Michael Landler: I will continue on to the next point. The applicant is going to need to submit a detailed description of the hours of operation that also includes scheduled activities and other operation characteristics of the athletic club.

Michael Gallin: It may be that this was not reviewed as part of this letter; what we were trying to distill was whether or not there was additional information requested or whether or not it just wasn't carried over into the current application. There was this lower chart here in yellow with green and red, which listed every tenant on a week basis-calendar and showed the hours of operation for each individual tenant, which I believe is exactly what you're asking for in 1B, and I suspect that it may not have been carried forward in terms of the review.

Michael Landler: I think it's also focusing more on the characteristics; beyond the hours and what the activities are.

Lester Steinman: I think with connection to these comments, both of these submission were reviewed, and this will be one of probably a number of instances where after we get finished tonight it will probably be worthwhile for the applicant to sit down with the consultants and work through any questions they may have so by the time the next submission comes around, everybody's comments, including the Planning Boards will be addressed.

Michael Landler: Moving on to three, the usage numbers of the athletic club for the weekend afternoon in the Tenant Parking Study and the Appendix. There is some conflict for those numbers that needs to be revised and straightened out.

Michael Gallin: We took a worse projection scenario under the parking, and the Mount Kisco Athletic Club was a projection about their actual usage on the weekends, so that is the discrepancy so we'll clarify.

Michael Landler: Also we requested that the Building Inspector is going to have to make a determination about the accessory uses that are associated with Mount Kisco Athletic Club. The maximum of three uses has to be clarified as to what those accessory uses are and how the Building Inspector will interpret those.

Lester Steinman: And if there are more than three, that necessitates an application to the Zoning Board.

Michael Landler: Also the applicant should be submitting detailed information relative to the proposed maximum membership to the athletic club. If it's a larger facility than the existing one, obviously there will be additional members.

Jim Diamond: This is a point we've addressed before. I think that the perspective of Mount Kisco Athletic; and we tend to agree with their perspective, is that if the trip count and the parking is restricted, that is a more appropriate reflection of usage of their facility and of the site because there's a lot of members who may be members of the club but not actually use it on a regular basis. Restricting membership doesn't seem to tie directly into the objective of controlling trip generation from the site.

Chairman Cosentino: There was a 1,100 member cap on it. Not once did we ever check it. There is really no way to check it.

Lester Steinman: I've asked Nancy to provide me with copies of the prior resolutions on Mount Kisco Athletic Club. To date, I haven't found any membership cap. I believe there may be a membership cap on the Saw Mill facility, and I've asked for those resolutions as well.

Chairman Cosentino: I thought it was the opposite; but it could be.

Vice Chairman Sturniolo: But that wouldn't be to say that we couldn't ask for a membership cap.

Chairman Cosentino: Yes, you can ask for it but keep in mind that they are moving out of 13,861 and moving into 34, 550. I'm sure whatever cap he had on the old place is not going to be... he's in this business to make money and he's going to have a lot more people there.

Jim Diamond: My understanding is that it is Saw Mill that has the membership cap, not Mount Kisco Athletic. Beside the point I do agree obviously the intent is for the business to be able to accommodate a greater number of members in the new proposed enlarged facility.

Michael Landler: Moving onto the traffic study; the traffic analysis that was submitted as part of the application uses product generated traffic volumes, which were used in the prior approved use of the site, as opposed to traffic volumes based upon currently proposed use of the site. That should be revised.

Michael Gallin: We have the honor of our traffic engineer here to help explain the methodology and the rationality behind the memorandum that he submitted and the analysis that was performed.

John Collins: The analysis that I did was not based upon current operation because the facility is not fully occupied yet. So what I wanted to do is to give the board an idea as to what the impact would be if we looked at potential raising the cap from the 300 trips per hour that was previously established, I think its part of the resolution, to some other number to accommodate the athletic club.

Vice Chairman Sturniolo: What are the rationale and the justification and the technical explanation for the 50 additional trips? What's the four page history behind that number?

John Collins: The history is the fact that because of the type of use that we're going to have in that 35,000 square foot area. That's a greater intensity than we anticipated when we first did the study for the 300. My recommendation is that if there was no increase in the cap, there is the potential that with an athletic club there you may exceed the 300 trips in any particular hour because of the intensity of use. It was felt that a 10 or 15 percent increase in the 300 level would somewhat offset the potential increase in potential traffic by increasing that one peak hour. That was the rationale. I would prefer to see a higher number but I felt the 10 or 15 percent would be reasonable to accommodate the athletic club. If we go back in time the original study was based upon a warehouse type use on the site, and the peak number of trips that would be generated was based upon that use. So if I get something that could be a heavy intensive use and it coincides with something else, I may have exceeded over 300. That's the rationale. That's what I'm afraid of. I would rather inform the board to say that because of this particular use there may be a need of 10 or 15 percent which brings it up to let's say 350 increase in the cap to accommodate this use. If we are going to entertain this use, we should look at some increase in the cap because there is the potential that the 300 could be exceeded. Now, if that is the case, what would be the relative impact of that increase of 50 vehicles? We looked at the driveway which is the most heavily impacted and said it would still operate under the existing signal control. That's why we used the old numbers, because it was the same thing we've used before. It was a comparison of what would happen under what was approved and what will be approved, and it would give the board a better level of comfort as to what's happening. It was basically because of the intensity of use.

Vice Chairman Sturniolo: So, the intensity of use; the number 50 was chosen. How does that impact all the other traffic intersections that were initially studied by you for this initial application?

John Collins: It shouldn't make a significant difference because some of the traffic is already on the roadway because of the athletic club being on Kisco Avenue. And even when it wasn't on the roadway, if I split it north and south on 117, I'm going to get 25 vehicles up at the north end, I'm going to get 25 vehicles up at Preston Way, so I don't

think it's going to make a significant difference given the fact that at the driveway it will still work at an adequate level.

Vice Chairman Sturniolo: But then again at some point, if the Mount Kisco Athletic Club were to move into 333, it's vacant space is going to have traffic of a different genre, maybe, so that would then impact the 25 north and 25 south.

John Collins: We talked about a 50 trip difference of what was approved. So we applied the full 50 at the driveway; Ice House Road. If I went to look at the other adjoining intersections, it would be 25 vehicles at each of those other two locations. That is the sum of both directions, in other words, so it would be 10 or 15 vehicles in and the balance going out; so it would be two-way traffic. I don't think 10 or 15 cars in any one direction on 117 either north or south is going to drastically change the operational characteristics at those intersections. We can check it for the board, but we felt that the critical location was Ice House Road. The comparison was made to the previous because that's what we're looking at.

Michael Landler: Its one thing to re-examine what could happen, but also what was mentioned; you are going to have a new tenant going into the old space that you are going to have to account for, those trips as well.

Lester Steinman: In addition, you're more than doubling the space.

John Collins: I'm looking at the fact that we have a cap on the number of trips that can be generated at any hour and it's limited to 300. It doesn't make a difference whether it's the right half of the building or the left half of the building or the center. The problem with that is that if the health club generated the whole 300, then the other use of the building couldn't exist. So that's what my concern is, to make sure that we have somewhat flexibility but again not killing the entire site. So what we're looking at is not whether the health club comes in. We could say let's put the health club in with the special use permit under the 300 cap. I'm saying to Jim, I'm not comfortable with the 300 cap by putting a health club, which is heavier use.

Stanley Bernstein: Do I understand that you're not even accounting for the old space? It's not going to remain vacant. In this count itself, you're not even accounting for what's there now?

John Collins: Let me explain my rationale. If the health club remained where it is today, there is a capacity on this particular site of 300 peak hour trips. If the health club moves someplace else, something else may occupy the health club, if the health club comes over here, the health club is going to use a portion of the 300 trips that were already approved. I don't want them to use all of it, where I need significantly disproportionate percentage of that total square footage. So I'm suggesting that the trips should be increased by 50 to accommodate that.

Stanley Bernstein: I'll buy that, but how do you account for the existing trips now in the old space, which will probably be duplicated. It doesn't seem to be in the same count.

John Collins: It is because if I don't take any deductions for the removal of that space, whatever trips are going to that space store on the roadway system. What I'm saying is that the athletic club becomes part of my approved 300 trips at the driveway and at the other location.

Stanley Bernstein: In addition to what we had before?

John Collins: In addition to what was already there. The existing count already includes the health club over at the other location. What's happening is the health club is utilizing a portion of the 300 trips, which we already took into account. That's why we don't have to replace it. But I think you understand my concern is the fact that we have 5 percent of the total square footage and I want to make sure that it doesn't significantly alter the spread.

Lester Steinman: John, the 50 you came up with; is that a guess?

John Collins: I would have liked a greater percentage. I think 15% would be the 50 vehicles, and that's what I'm looking at. My recommendation to Jim is that if there is no increase; don't put the health club there.

Lester Steinman: I think these number of traffic issues is the type of issue that the consultants are going to have to talk about outside the meeting; satisfy Clark's office as

to the rationale, and if not, get additional studies to satisfy the request. That's another area that's ripe for discussion after the meeting.

John Collins: But I think we understand it will be double counting otherwise, but the health club will be using part of our trips.

Chairman Cosentino: I think the big plus to this whole thing is getting them off Kisco Avenue.

John Collins: Yes, and I don't want to have a plus and getting them off Kisco Avenue and at the same time hang Jim with his particular number.

Chairman Cosentino: But then we need to do the car count.

Jim Diamond: The other thing I want to emphasize again is with John's original study last year with the 300 number; it was assumed that 20% of the trips would be truck trips, so we are assuming that approximately sixty truck trips per peak hour at the site. And now we're projecting a significantly reduced number; I believe the numbers are 13 or 14 for the entire day. So I think there has been a little bit of a trade off in terms of what we've been highly focused on reducing truck traffic that's on the Mount Kisco roadway system, and part of the trade off there is that we think that results in a little bit higher car traffic. We think the net result is favorable, is a positive for Mount Kisco. But that's the trade-off.

Vice Chairman Sturniolo: So if we're taking the number 50 which translates to a 15% increase, if you look at the 15% increase, and then you look at the 13,861 versus 34,555, it's almost three times the footage. Now I'm thinking on one hand you have three times the square footage and on the other hand you have 15%.

Michael Gallin: it's also 15% of the whole site.

Jim Diamond: The health club is approximately 5% of the overall building.

Lester Steinman: It also helps to get further details on the operations of the health club in terms of assessment.

Michael Landler: Can we also touch upon looking at other intersections?

John Collins: I would go back to the original study and I would increase 15 vehicles on either end and see what the impact is. We're comparing it back to the original study. I can't do it now because the site is in flux. It's not fully occupied yet, so I have to go back to what the original approval was for comparative purposes.

Michael Landler: Moving on to the parking analysis, you failed to include parking figures for the soccer field in your calculations.

Michael Gallin: They were not included in the zoning chart, but they were included in our analysis. We will add them.

Michael Landler: Also again the building inspector had requested detailed description of the hours of operation in the schedule.

Chairman Cosentino: Please explain the second paragraph on that? On the deficit of the 95 spaces.

Michael Landler: It's based on their exhibits showing some conflict.

Lester Steinman: Originally we had 676 required and 695 provided, so that was fine. And then we excluded the soccer field because we thought there would be a trade-off I think on the uses, so they would be compatible in terms of not being peak uses at the same time. Now I think it's working out with the amenity plan that there is greater deficit of space being created.

Michael Gallin: We provided this parking analysis as part of the submission where we broke down each use, and then within each use did accessory. For example, any warehouse space that had an office use, we factored that into the parking analysis. In doing that full calculation, excluding the soccer field, we ended up with a required number of spaces; 870 spaces, and we're providing on the site 775 spaces, so the difference between those two is 95. Per that analysis, if all of these spaces were per code occupied at 100% all at the same time of day, we'd be in deficit of 95 spaces. We then followed that up with a parking analysis of the actual peak usage of this site and

three existing times of day. And that's what this analysis is representing and days for the week. So the first diagram here was at 10 A.M. on a weekday when the offices and warehouse functions are occupied. The athletic club is occupied pretty close to its peak utilization. Grand Prix New York is going to be at a relatively low or average utilization. Not at peak, but it would be used, and it's likely that the soccer field on a weekday at 10 in the morning is going to have little to no utilization. What we did was based on those utilizations, placed cars per each color represents a type of use on the parking lot to represent the utilization of the parking spaces on site. What the diagram is representing is that there are excess spaces on the site. We were conservative in terms of our projections, so when we did peak, we assumed that, for example, the highest number that was attached in any of the analyses for the athletic club, we used that as their peak number and the same with the other uses so that they were fully occupied. The second analysis is shown on this diagram was a weekend, 2 P.M., and in this scenario most of the businesses had very low utilization. The south end of the property which there is a Change of Use Proposal for would have a higher utilization, and the soccer field would be at maximum utilization. And with these uses at maximum utilization on the weekend with the soccer field, there still first of all is plenty of access parking at this end, but even on the southern half of the property we still have excess.

Chairman Cosentino: What about the sports center, though?

Michael Gallin: That's included in this use as well. That's all these green cars here.

Lester Steinman: Michael, maybe I missed something. Are you saying that the zoning law compliance will require 870 spots? If we're seeing that, the fact that you're establishing with the actual usage will be less doesn't relieve you from the responsibility of meeting the zoning unless the Planning Board has the authority to waive some of those spots.

Michael Gallin: We're coming back to the non-coincidental usage of the spots. There is a provision, I believe, and that's what we relied on in previous application where we analyzed the ball field; that the ball field's peak hours would be different than the office and warehouse functions peak hours, and therefore that non-coincidental hours of operation peaks was something that the Planning Board could take into consideration when analyzing the number of parking spaces.

Michael Landler: That leads into providing more detailed description again of the activities and the operations and kind of justify the hours of operation and what you provided. Give more detailed background.

Lester Steinman: And there is some inconsistency between the floor diagrams which showed peak P.M. of about 15 cars at the health club on the weekend and the analysis said 129.

Michael Gallin: Honestly that was my error. I assumed the health clubs recreational use would be at 100% utilization on a Saturday, and the reality is, after speaking to the health club owners is that there is actually relatively low utilization on a Saturday afternoon. Most people come weekday mornings and after school. Regardless, the parking you can have peak utilization, but we can address that.

Vice Chairman Sturniolo: What is the status of a concept of a bubble?

Jim Diamond: I'm not sure, honestly. I know that the principals behind this sports arena are interested in putting a temporary bubble on the soccer field, and I know they've spoken with Mike Cindrach about that. I'm not sure exactly what the current status is. Given the time of year right now, I presume it's unlikely to happen for this winter.

Lester Steinman: That brings up several issues. in addition to run-off, I was thinking of the impact on traffic, the hours of operation and parking because the premise of non-coincidental peaks gets undercut by a facility that's 24/7, twelve months a year with a bubble. That needs to be addressed as we go forward with that.

Chairman Cosentino: I was thinking of run-off.

Anthony Oliveri: If there is a bubble over the soccer field, I understand there is a decrease of impervious areas with the application now. We'd have to look at those increasing impervious areas.

Vice Chairman Sturniolo: I just brought it up as an idea while everybody's here for discussion if somebody wants to pursue that all the other impacts that that would have in this vein of the conversation.

Michael Gallin: I'm glad you brought it up; I hadn't heard it. Just to continue, there was a third analysis, which was a weekday afternoon.

Michael Landler: Again, going over the parking is something that our office will continue to be in conversation with you and your consultants. To continue on, the building inspector has to make a determination as to whether that proposed business of Dover Saddlery is a permitted use within the ML zoning district.

Chairman Cosentino: You haven't spoken to Austin on that have you?

Lester Steinman: I've tried, but he's in Ireland.

Jim Diamond: And the ball is still in our court as far as that goes. We're supposed to submit something to Austin which we have not done. Austin wanted us to submit in detail all of what they'd be doing.

Chairman Cosentino: So you need to do that to make this part of the puzzle here.

Jim Diamond: Absolutely.

Michael Landler: Going back to Grand Prix, the applicant for the Concept Review that was submitted has hours of operation for Grand Prix New York are different than was approved by the Planning Board for that use.

Lester Steinman: Are you still asking for those changes because you need to amend a special permit application for that as well. There were a few categories that were different.

Michael Gallin: We'll clarify that.

Lester Steinman: If you're going to change them then you're going to have to do another application, if you're going to leave them then you don't have to come back.

Michael Landler: Also, as far as SEQRA is concerned, the EAF said the Mount Kisco Recreation Commission approval is required. Can you explain why that was required?

Michael Gallin: We didn't actually check the approval required box. They have these approval required, yes, no? It's under the no, so we wanted to provide them the opportunity to comment on the field house and the storage facility associated with it, and obviously there is a park being proposed.

Chairman Cosentino: Because they are actually running it.

Michael Landler: So you were looking for just comment right now?

Michael Gallin: Comment for the board.

Lester Steinman: What about DEP? Has there been approval there?

Michael Gallin: Not for Mount Kisco.

Lester Steinman: For Bedford?

Michael Gallin: DEP or DEC is the one acre?

Lester Steinman: DEC on the storm water.

Michael Gallin: We'll have to get clarification for that.

Lester Steinman: You need to get a couple of those items clarified so that we can get the Notice of Intent for the Planning Board to be Lead Agency.

Michael Gallin: We can coordinate that over the next couple of days.

Michael Landler: Also, just as a point of information, the application for an amended site plan approval and special permit approval should be referred to the Westchester County Department of Planning. That is just for your information.

Lester Steinman: Also, notice has to be given to the Town of Bedford of hearings in Mount Kisco on this matter. Where are you on your application to Bedford?

Michael Gallin: We didn't apply to Bedford yet on this application partially because I thought it made sense for you guys to declare Lead Agency first. We would like to, and we know we need wetlands commission review because of the parking area, and we know that we need Planning Board in Bedford.

Lester Steinman: There shouldn't be anything that stops you now. I'm going to suggest at the end of the meeting that the Planning Board consider that and start that process.

Vice Chairman Sturniolo: How many spaces are there in the Bedford Corner?

Michael Gallin: Parking spaces? I don't know exactly off the top of my head but I believe this is about 50 spaces and then there are some additional spaces here.

Lester Steinman: I have a couple of comments also on Page 2 of the Application for Site plan Approval. There is a question about whether any easement agreements, property covenants or deed restrictions apply and the answer checked is yes. The form asks to attach copy, and I don't see any documents attached. That would be helpful.

Michael Gallin: Will do.

Lester Steinman: We talked about the events; in addition to the Hospital there is a event for the Westchester Business Bureau, there apparently has been an application for a special event permit for the hospital; I am unaware there has been an application for the Westchester Business Journal for a special event permit.

Michael Gallin: Clearly if it's in excess of 120 people that needs to be resubmitted.

Lester Steinman: There are a lot of conditions in there that need to be satisfied in terms of; even if there is no special events permit, obviously in terms of occupancy but also the entrance is restricted to members, at a maximum of 25 guests, which is one issue, and also that all corporate events will be required to rent either one or both tracks. I think this is just getting to the point a little bit that the Chair was talking about. There appears to be a big party, which may have no relationship to the track at all other than it's housing it. So we need to look at the propriety of making request for a Special Events Permit thereto and describe what actually is going to take place with the numbers you're talking about. But that's coming up, that's just around the corner, according to the advertisement, its December 13.

Chairman Cosentino: How could they put a date when the Chair hasn't given permission and neither has the building inspector? I take umbrage to that.

Michael Gallin: I can understand that. I wasn't even aware that this was scheduled. I have been overseeing the construction, and I find it difficult to imagine how construction would be completed in a manner to accommodate that date, however, I will certainly refer the concern to Sy.

Chairman Cosentino: I think the track he should have taken was to get permission to do what he wanted to do, and then set the date.

Michael Gallin: Clearly.

Jim Diamond: If it's in excess of 120 people.

Chairman Cosentino: It is in excess of 120 people.

Lester Steinman: And if they don't correspond to all the other conditions in terms of the operation plus the major impediment; if we don't have a CO, we can't do anything.

Chairman Cosentino: Clearly, under the conditions that are there now, he's not getting this okay. He's got to straighten that all out.

Michael Gallin: I'm going to make the phone call as soon as we leave this meeting. On that note and I don't know what the proper form is, obviously Sy and the operators of Grand Prix New York need to address these issues directly, so we need to figure out the form to make that happen.

Lester Steinman: There are other events that have already been given dates also early in December.

Michael Gallin: I'm not aware of it.

Lester Steinman: I am. I've seen it. A group that that I have knowledge of is advertising that they are doing it. I haven't told them they may not make that date, but it's a concern.

Chairman Cosentino: That all has to be addressed. Right now, if the Building Inspector calls me up, I'm not Okaying it.

Michael Gallin: If there is no C.O., it is totally moot. Understood.

Vice Chairman Sturniolo: May I make a suggestion? When you have the off-line conversation addressing the memo, could you kind of structure it so it follows the same format so we can see the revisions and the conversations page-by-page?

Michael Gallin: Sure.

Lester Steinman: Before you adjourn I think you may be in position to consider adoption of a resolution circulating a Notice of Intent to declare yourself Lead Agency.

Motion to Intend To Declare Mount Kisco Planning Board Lead Agency for Application to the Amended Site Plan Approval and Special Permit at 333 North Bedford Road, The Park at Mount Kisco

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

Lester Steinman: Between our two offices we will provide Nancy with the necessary documentation to start that process.

Chairman Cosentino: Thank you.

CONCEPTUAL APPLICATION

Century 21
291 Main Street
PB2007-15

Present: Peter Gregory, Keane Copleman Engineers, PC
Susanne Lerch, Century 21 Country Living

Chairman Cosentino: We have an application here for parking in the rear of the building.
Peter Gregory: Yes, there is an existing condition here. Right now we're looking to improve an existing condition here where anybody who visits the site only has the ability to park in a small section of the existing driveway off Main Street. There is a situation here where people that do pull in either the vehicles will stack up, some people have to move cars around for people to leave, and it does sometimes involve people backing up onto Main Street to pull out. We were looking to improve that condition by providing additional parking spaces to the rear of the building and also providing the ability for vehicles to maneuver in this area and to pull head out onto Main Street.

Chairman Cosentino: Do you have a survey?

Peter Gregory: Yes we do. I don't have one with me, but our work is based on this. I can bring a copy of that.

Chairman Cosentino: What is the width of the driveway going all the way up?

Peter Gregory: We're proposing that in certain areas 12 foot, however, we do have an area adjacent to the building where we would be less than the 12 feet, approximately 10 feet in that area.

Chairman Cosentino: What is the code?

Whitney Singleton: Minimum 10, maximum 20.

Chairman Cosentino: So you do have ten then?

Peter Gregory: I believe so. One of the problems we have here is the portion of the existing driveway does go over the property line.

Chairman Cosentino: The ten feet does?

Peter Gregory: Yes it does.

Chairman Cosentino: You need a variance.

Peter Gregory: Yes.

Susanne Lerch: Even though it's existing already?

Chairman Cosentino: You need a variance. You can't take somebody else's property.

Susanne Lerch: That I knew. It's because it was already there; it's not that we're proposing to do a legal driveway.

Chairman Cosentino: I know what you mean, but we can't allow that, so you need to go for a variance on that. You are one space shy, the Building Department says.

Vice Chairman Sturniolo: Mr. Chairman, is it one? You're providing five, and you need how many, eight?

Peter Gregory: Six.

Doug Hertz: They need eight, but Austin's memo says that in this zone you need to satisfy 75% of your parking requirement.

Chairman Cosentino: You are one parking space shy.

Whitney Singleton: I think what Austin's memo is pointing out is that there is an existing condition which is already non-compliant, and while they are making it more compliant, it is not fully compliant with the code.

Chairman Cosentino: Yes, you need two parking spaces for the apartment upstairs, and according to the square footage of the office, they need six additional.

Vice Chairman Sturniolo: I know this is only a conceptual and the idea is for you to get our feedback; does the Planning Board think this is something good or not good before you go ahead and spend money on consultants and designs and all that, but I have a question on the application. It says size of building 1,900 square feet and then on here it says 1,300?

Susanne Lerch: That would be probably the first floor. The first floor is a bit shy of 1,300, and the upstairs is around like 600.

Chairman Cosentino: So the total is 1,900.

Susanne Lerch: Yes.

Vice Chairman Sturniolo: And that references first floor, the 1,300?

Peter Gregory: For that office space; that is what is referred to.

Chairman Cosentino: No matter how big the apartment is you have to require two parking spaces.

Vice Chairman Sturniolo: Is there a side-yard setback deficiency?

Doug Hertz: Based on your chart there is.

Anthony Oliveri: Austin's memo mentions that the parking area is located within the two side buffers.

Chairman Cosentino: Is it 15 totals on side yards? Ten and five?

Whitney Singleton: Are we talking about yards or buffers?

Chairman Cosentino: Buffers. Are we into the buffer here? They are going to also need a variance on the minimum side yard setback. They only can provide ten, six.

Doug Hertz: Are we discussing the existing building or are we discussing the parking lot? The parking lot is not subject to setback requirements, is it?

Whitney Singleton: I think we're talking about the buffers.

Vice Chairman Sturniolo: I raised the issue of the side yard setback deficiency.

Doug Hertz: That's the existing building, is that correct?

Peter Gregory: Yes.

Whitney Singleton: The building setback is abutting a non-residential district for 20 feet on either side.

Chairman Cosentino: Right and they only can provide 10.6.

Whitney Singleton: But it's an existing condition.

Chairman Cosentino: So they need a variance on it then?

Whitney Singleton: For the building? The setbacks are for buildings. If you're talking about a new parking lot, it would not be applicable. What Austin pointed out in his memorandum is that the buffers required for this district are ten feet, and they are proposing to encroach within that buffer.

Vice Chairman Sturniolo: Then how much does this boulder encroach in this width here?

Peter Gregory: It's probably about two feet.

Vice Chairman Sturniolo: So is that 12 an accurate number?

Peter Gregory: 12 would be proposed. That's a proposed portion would come beyond the building; we would have to maintain that 12 feet and it would involve doing some grading work to the rear of the building.

Susanne Lerch: That boulder that's there; once the bulldozer would come in I believe they can move it because it doesn't look like it's coming out of the earth. It looks like somebody put it there for decoration.

Peter Gregory: There is some extensive earth work that would be involved to access this area and have a reasonable finished grade across that parking lot.

Chairman Cosentino: For five parking spaces?

Peter Gregory: Yes.

Doug Hertz: What are the proposed heights of the retaining walls? I see you have two step-back walls.

Peter Gregory: They are five feet and four feet. We are coming across our driveway at about five or six percent, and as a result we'll be cutting into that rear right corner and needing some walls. We do have the ability to continue to cut and resolve that grading into the back of the property but to minimize the disturbance we were proposing some walls in that area.

Chairman Cosentino: And what about drainage?

Peter Gregory: Drainage is another issue. There appears to be some rock outcropping in the center of this parking area, and we were looking at doing some soil testing to see what ability we have for some form of mitigation of the parking area.

Anthony Oliveri: Dry wells need to be proposed, we need to see perk tests, deep hole tests. On the ten foot dimension on the driveway, is that on the property or is the ten feet the encroachment onto the adjoining property?

Peter Gregory: Part of it is the part that's existing now.

Chairman Cosentino: To get a variance on somebody else's property?

Whitney Singleton: They are going to get a variance if they were able to establish a case to go with less than ten feet.

Chairman Cosentino: Anthony keep in mind this driveway is going to be on an incline and we need to do something about the water coming down to the bottom.

Anthony Oliveri: We'll need a whole drainage plan.

Peter Gregory: Absolutely. We don't have any catch basins right on Main Street or in the vicinity of the property itself, so we would be looking to see if there is anything that is close by; they have the ability to ultimately tie into but I think that drainage is going to be an issue here. We have that problem right now. There is roof run off that is being discharged onto that existing driveway and it does create an icing condition in the winter even out to the sidewalk.

Anthony Oliveri: Another thing with the parking; a snow removal area is required, concrete curbing is required, you need to take a look at those.

Peter Gregory: I would just try to maintain that area to get that snow off of the paved surface and leave room in our shoulder areas between the curbing and the walls, and if we have to we would even discuss a maintenance program for this to make sure we don't get any icing out here.

Anthony Oliveri: There is lighting requirements also; we need to see that, and the striping, of course.

Vice Chairman Sturniolo: Does this driveway impact any metered parking spaces on the street?

Peter Gregory: The existing driveway does not. There is an existing curb cut and driveway right now, and I believe that the parking areas in the street respect that driveway. I do not believe that this driveway impacts any of the parking spaces into the street. There is an existing curb cut coming out to Main Street right now, and there are parking spaces on both sides, north and south.

Vice Chairman Sturniolo: And that curb cut doesn't change?

Peter Gregory: No it does not. We will maintain the same curb cut and our thoughts were once we came into the property we would provide 16 feet wide for vehicles to pass; coming down as well as entering the property.

Stanley Bernstein: Mr. Chairman, according to Austin, one of the retaining walls is over sixty feet, which is not a lot. He also mentions the old stone retaining wall along this piece of Main Street. It has been considered a Village character feature deserving of preservation and enhancement whenever possible. So make sure you take that to heart; the new retaining walls and the existing stone wall.

Vice Chairman Sturniolo: I have a question about the apartment upstairs. Is that tied into the real estate business?

Susanne Lerch: No.

Vice Chairman Sturniolo: It's just an apartment for rent?

Susanne Lerch: Yes.

Vice Chairman Sturniolo: And that requires two parking spaces? Two of the five?

Chairman Cosentino: Yes.

Doug Hertz: So on an operational basis, currently the driveway goes to where?

Susanne Lerch: The driveway is more or less paved almost to the end, not quite to the end of the building. There actually is an old foundation which is totally dilapidated which shows the foundation of a garage.

Doug Hertz: Where do employees park currently?

Susanne Lerch: On the driveway, on the street, I know somebody has made an arrangement with the church; somebody walks.

Doug Hertz: And when clients come in?

Susanne Lerch: On the street, in the driveway.

Doug Hertz: And how many employees in general are in the office?

Susanne Lerch: There is at one time, one employee and all of the real estate agents are independent contractors, so they come and go. They don't really have set times, and I would say on a regular basis there are about three to four people in the office. There could be just the receptionist, on another day there could be eight people in the office, but on an average I would say three to four.

Doug Hertz: So this is going to be a busy driveway; you'll use all those spaces. These are not going to be vacant; they are going to be taxed to the max the minute you put them in.

Susanne Lerch: They will definitely be used. On the other hand, there are typically three cars in the driveway and they all back out into the street which is horrendous.

Doug Hertz: Absolutely. Do you have an easement agreement with the property next door, is there an acknowledgement of the fact that the driveway is on their property?

Susanne Lerch: I have not spoken to them. I believe the deed does not reflect anything like that.

Doug Hertz: I would imagine if we are envisioning an approval that encompasses a driveway.

Whitney Singleton: That's not what's being proposed here. What's being proposed is the variance to narrow width down to about eight feet, which you are not allowed by code.

Doug Hertz: But that's not what this schematic plan is showing.

Susanne Lerch: This is the existing.

Doug Hertz: And that will be removed?

Peter Gregory: We're trying to bring everything onto the property and clean that up, yes.

Chairman Cosentino: So they have to go to the ZBA and get a variance for maybe an eight foot driveway instead of a minimum of ten.

Whitney Singleton: This passage will be narrower than a parking space?

Ralph Vigliotti: Why do we do that?

Chairman Cosentino: Well, it's not up to us. They may not get it because it's self created.

Ralph Vigliotti: Cars are trying to get out, and cars are trying to get in and cars are going to back up Main Street as opposed to having that car enter.

Susanne Lerch: That's why he proposed to have this cut out wider here, so this car could back out here, and here we would have room for two cars so that that would not happen.

Doug Hertz: That would at minimum have to be striped because we all know that will just be auxiliary parking the minute the back lot is full. The minute you can't park back there, the next car will park here.

Ralph Vigliotti: Do we lose a parking space on Main Street with this concept?

Doug Hertz: No. This is an existing driveway.

Ralph Vigliotti: But if it's wider.

Doug Hertz: Well, are you proposing widening it to a point where...

Peter Gregory: No, the curb cut remains exactly the same as it exists.

We'd only be widening it once we came into the property just to allow for two vehicles to pass in case one is meeting one as another vehicle is leaving the site. We did look at relocating the stone wall that's there to help to provide that and also maybe improve a site distance because it is somewhat difficult to see as you come out with the retaining walls on both sides, and the parked vehicles on the street on both sides also.

Whitney Singleton: Just to remind the board what happened ten years ago with a hired company. They did the same exact thing, and ultimately this board recommended to the Village Board that a parking space be eliminated on the street because it was impairing the site distance.

Chairman Cosentino: And over here it says "the new front retaining wall." That's on the side, that's not in the front.

Peter Gregory: He means in the front of the property.

Chairman Cosentino: The stone wall that is there now?

Peter Gregory: There is an existing stone wall that's there now, yes.

Chairman Cosentino: You're going to be taking some of that down?

Stanley Bernstein: That's on Main Street.

Peter Gregory: There is a portion of that on Main Street, yes.

Stanley Bernstein: That's the one that Austin would like to preserve.

Peter Gregory: That didn't come up in our discussions, initially. The sense was that we would come before the board with a conceptual sketch to get some feedback, and then depending on what direction we went in, obviously there would be more of a technical review with the engineering issues, the drainage, and all the other things mentioned.

Doug Hertz: All this being said, you are going to go through an extensive process with DEP and doing a storm water plan, construction grading, retaining walls. If you're going to go to this extent, and still be shy a parking space to go one step further and perhaps looking to see if you can comply with the parking requirement for the building?

Peter Gregory: We have looked at other alternative lay-outs here that do involve accessing the rear of the property and the idea would be that we would try and climb up as quickly as could and provide parking spaces along the rear right and the rear property line and maneuver with the ability to back out and then pull down to the street. There are still some extensive cuts up in that area, we are in excess of probably nine or ten feet, I believe up in the back. So we just would try to see if there was a way we could scale this down and try and keep it to more of a reasonable number with a reasonable amount of disturbance.

Chairman Cosentino: I think one of your biggest problems is going to be drainage.

Peter Gregory: Drainage is the largest problem here.

Susanne Lerch: Yes, but there is an existing big problem. Every time it rains the basement gets flooded. There were two gentlemen who used to plow the snow for Dr. Hersch; one was Gary he got sued because it iced over, I was told even if I hired somebody to cart away the snow, because of all the run-off from the back, from the roof, everything that's going out to the street, it's just a hazard.

Chairman Cosentino: You're going to have to protect the sidewalk and the street.

Susanne Lerch: Yes, but drainage has to be addressed anyway so it's not just because of the parking lot. This is an ideal opportunity to finally do something. This is an existing condition that went on for the last 50 years.

Doug Hertz: But that all being said, you're doubling the amount of impervious surface; you'll be compounding the problem, and I appreciate that you want to solve the problem; we'd love to make anything better, but it's going to be quite a bit of engineering work to find a place to put that water.

Peter Gregory: Yes it is. That was the next step. We have to go out and start to see how we're going to address this.

Doug Hertz: Just to go back to that last thought, I'm wondering if you do move your parking farther back and allow for possibly getting your fully compliant parking spaces, you do then have land in the interim to be able to discharge some of that water onto and keep it on site.

Peter Gregory: I think our next step is that we would do some soil investigations to see what's available to us, and if we found that that was the case, then we may want to try and reallocate or redistribute that to a different area of the property.

Anthony Oliveri: May be look at some impervious surfaces instead of paving.

Peter Gregory: We would consider that also.

Chairman Cosentino: Your next step is to make a formal application.

Vice Chairman Sturniolo: We need to do individually is giving some feedback to the applicant.

Chairman Cosentino: I'll start if you want; I think it's a tough road, and I'm not 100% for it. In looking at it, unless you can prove that you can do drainage and etc., but I just don't think it's going to work.

Sol Gibbons: This is the existing stairs here, isn't it?

Susanne Lerch: Yes.

Sol Gibbons: So you're going to remove this stone wall?

Peter Gregory: Up to the other existing set of stairs on the site.

Sol Gibbons: That stone wall has to come down then.

Ralph Vigliotti: How many feet of stone wall is that?

Peter Gregory: 40 or 50 feet.

Ralph Vigliotti: You still haven't cured the problem. Even if you were fortunate enough to get through all of this, by having a one-car being able to get in and then having it widen once you get into the driveway doesn't cure the problem. If someone is trying to make a right-hand turn in and there's a car waiting to make a right or a left turn out of the driveway, there's no holding space for the car that's trying to get in. You haven't cured the problem. You're creating all sorts of movements on stone walls, and you're coming into a one-enter and one-exit driveway, it's widening, yes, I think you're trying to accommodate something, but you haven't answered the problem on Main Street, which is a car waiting to get in while one is waiting to get out, and that could take forever in this town for a car to make a left hand or right-hand turn; never mind a car waiting to get in. Everything that you've done hasn't cured the issue with getting onto or off Main Street, and I still believe the Village will lose a parking space because of site lines. I hate to see 40 or 50 feet, for this Village, that's a historic stone wall on Main Street to a district that we're trying to preserve.

Vice Chairman Sturniolo: Just picking up on Ralph's comment on historic and the preservation and enhancement of the stone wall, you're talking about 60 foot retaining walls in the back, you're talking about terracing, and creating another house with parking in the rear, to the left you already has that. I'm concerned about setting a precedent as everybody else wants to do the same thing working their way down. Putting aside the technical merits of drainage, etc., I am not in favor of this concept at all. Disturbing too much vegetation in the rear, the steep slopes, the retaining walls, what Mr. Vigliotti just articulated regarding in and out with the cars, and then ultimately a portion of a driveway that is going to be less than the width of a parking stall in the Village of Mount Kisco, I am not in favor of this concept.

Stanley Bernstein: I agree with Tony. I don't want to see that stone wall destroyed or tampered with in any way. The more I look at this, the more I realize there is no way you're going to get drainage. There is no place to put the water. If you make more impervious surfaces, it's going to make it even worse. You can give me all kinds of engineering data, but I have a gut feeling that drainage is not going to go anywhere. It's a very, very large problem.

Doug Hertz: I'll echo my fellow board members comments, but on a slightly different tact, I wonder if there isn't some synergy that's possible with the property next door. If you look at the aerial that you provided, and the issues of in and out with both properties, there may be an opportunity to possibly enlarge there to make a circulation pattern that would go in one direction and you're on one side, and out on the other side. You wouldn't be doing much to enlarge their existing parking lot and possibly handle all of these situations. That would probably preserve more of the existing topography,

would not create multiple two-way traffic situations on these adjacent driveways. I for one would suggest we look at something like that, because this situation is going to be very difficult. All of the issues that have just been raised and I wonder if there isn't an entirely different approach to be able to solve these issues.

Peter Gregory: I appreciate that. We did look at that; topographically I think that does work. The neighbor has not been part of us looking at that, but that is an option. It opens up an area for land that you mentioned before that could be available to do some form of treatment between that parking area and the rear of the building, provided that we have sufficient soils in the area.

Vice Chairman Sturniolo: It's like creating a mini municipal parking lot and I think that is not the direction that we're trying to do by sharing. Somehow we all know that if that were to take place, there would be more cars than what we're looking on right now for parking space, and we're just eating away at the Main Street flavor and making it less green, more blacktop, more parking and commercialization and less preservation of trees and steep slopes, etc.

Doug Hertz: I agree with a good portion of what you said, on the other hand, I'd also like to preserve the stone wall, the look from the street as much as I would like to preserve some of those factors. It may be that to cure or to better get to compliance on this site, we need to make a compromise in one direction or the other.

Vice Chairman Sturniolo: Another compromise could be eliminating the rental apartment upstairs. It's not tied into the business of the real estate; you are down two parking spaces. It may not address all the issues.

Susanne Lerch: And then use the apartment as office?

Vice Chairman Sturniolo: No, it's dead storage; don't use it. It's not going to solve all the problems; it would just reduce a number for you.

Peter Gregory: I think other than the number, the other issue here is the maneuvering. Right now, currently one of the biggest issues is that people have to back out onto the street. I think that we were trying to come up with something that would at least eliminate that problem, but yes there are other issues that are associated with that.

Chairman Cosentino: At that you are still entitled to make application if you want. You have our feelings; right now the board is not too crazy with it.

Peter Gregory: Thank you for your time.

CONCEPTUAL APPLICATION

30-40 Oak Ridge Road PB2007-16

**Present: Nicholas Pinnetti
Nicola Pinnetti
Stuart Pinnetti**

Chairman Cosentino: We have your plan here, and we need two separate things. One, we need two separate plans and two separate surveys.

Nicola Pinnetti: We have surveys for both of them.

Chairman Cosentino: And you need two separate plans.

Nicola Pinnetti: The application is for the slope permit.

Chairman Cosentino: These are two separate building lots, separate ID's, so you need a separate plan.

Nicola Pinnetti: They should have told us.

Vice Chairman Sturniolo: Who are they who should have told you?

Nicola Pinnetti: The officers downstairs, the engineer; the secretary, the office. They were supposed to tell us. The engineer architect said one application is fine because it is adjacent lots and it is the same for a slope permit and we have several proposed plans for each individual house.

Chairman Cosentino: He might have thought it was one building lot, though.

Nicola Pinnetti: No. We filed two plans for the housing for the building permits, which the Planning Department has.

Chairman Cosentino: Well, you need a separate set of plans for each building lot. This is a conceptual, which tells you how we feel about the whole project. We have a report from the engineer; I'm going to ask you a few questions. The sewer line; is there a main sewer line there?

Nicola Pinnetti: Yes.

Chairman Cosentino: What size is it?

Nicola Pinnetti: I don't recall, last time it was 8 inch.

Anthony Oliveri: We'd have to see that on the plan. Is that a public sewer?

Nicola Pinnetti: Yes.

Anthony Oliveri: You need to locate that and show it on your survey. The surveys need to be submitted for this review also.

Nicola Pinnetti: We have the two surveys done for the property, so we can pull out copies of that.

Chairman Cosentino: The existing road which is substandard as is the existing right of way, the applicant shall need a widening strip of 25 feet from the center line of existing pavement; the pavement width should be widened to a minimum of 20 feet in width.

Anthony Oliveri: I think the comment Jeff has is the road that is fronting on is a substandard width. It seems that he is stating that it would need to be widened to 20 feet in width in order to front these properties on the street.

Nicola Pinnetti: But that is a road which we don't control. It's an existing road of the Village. We can donate five feet of our property to accommodate that.

Chairman Cosentino: I'm going to go through these and you're going to have to work them out with the engineer.

Whitney Singleton: We're going to have to have an abstract done on the street search by a title company to verify that the Village owns and maintains the road and then it was properly dedicated.

Nicola Pinnetti: It does and has been maintained.

Whitney Singleton: I need to see that it was dedicated, and if so, what the width of that dedication was.

Nicola Pinnetti: It is 15 feet.

Whitney Singleton: Okay, but the engineering is saying the minimum width of a street in Mount Kisco has to be 50 feet.

Nicola Pinnetti: I do understand, but that is an existing road which has been there.

Whitney Singleton: Right and I just need to show that it was dedicated to the Village of Mount Kisco accepted. That's what I need the title company to establish for me, and when it was accepted, when it was dedicated. It's going to have parameters as to the width of what it is because obviously; to go down something like on the last application 18 wide is not acceptable.

Vice Chairman Sturniolo: Are you clear that you need to contact the title company to ascertain the answers to these questions?

Whitney Singleton: Yes, as part of his application he needs to demonstrate that.

Nicola Pinnetti: From the title company or the surveyor?

Whitney Singleton: Whoever is going to certify.

Chairman Cosentino: You need to get a title company for the search. Number four, the application shall provide a turn around for emergency vehicles. Explanation of the

differences in the lot areas shown in the zoning table, and the lot areas indicated under each designation. Also, the zoning tables indicate 32 feet and 35 feet as maximum heights, yet, S2 indicates 34 average heights, so there is a discrepancy in the height. They made a mistake, they have to correct that. Also, New York State Building Code would consider the basement on Lot 12D as a story above grade, since there is more than 12 feet above the finished ground level at any point. In addition, the Village code also would consider the basements as a story, thus making the proposed dwelling three stories and not code compliant. You can't have three stories.

Nicola Pinnetti: You cannot have three stories?

Whitney Singleton: No, two and a half.

Nicola Pinnetti: Well if the basement is the basement then you have two stories above the basement.

Stanley Bernstein: It's not a basement. It's above grade.

Whitney Singleton: A basement under our code constitutes a story. It says, if you look at the definition of basement, it says "a story." Then it has some qualifying language. So, this would be a three and a half story building, which is not permitted in this zone. And anything that would be three stories anyway would need to be fully sprinklered as well. But two and a half stories is the maximum permitted height in this zone.

Stuart Pinnetti: How about a concrete building; just the concrete, there is no basement.

Chairman Cosentino: It would be the same thing because of the height.

Anthony Oliveri: You need to meet the definition of a two story building.

Whitney Singleton: Is the section filled with fill?

Stuart Pinnetti: It's closed off with just two levels, does that make a difference? There is no basement.

Whitney Singleton: The area that is being filled does not constitute a story.

Chairman Cosentino: But there is another one above that that does.

Okay, Village code states that the terracing shall be kept to a minimum of retaining walls greater than six feet in height or sixty feet in length shall not be permitted unless there is no viable alternative. Applicant shall provide a detailed erosion and sediment control plan.

Doug Hertz: On the application it does list under approximately 250 feet of retaining wall per lot. So we're talking about 500 feet, or these are going to be two applications anyway, so it's going to be 250 feet instead of sixty. Quite a distance away from what the code requests.

Nicola Pinnetti: Sixty feet of wall? What is considered the wall? The stepping?

Chairman Cosentino: The retaining wall.

Stuart Pinnetti: On each lot?

Chairman Cosentino: Yes, on each lot. You're allowed 60 feet, you have 250 on each. A detailed drainage analysis is required.

Anthony Oliveri: It seems the run-off calculations on the plan may not be adequate. You need to also do soil testing to determine the infiltration of the soil, the size drywells.

Nicola Pinnetti: We have two drywells in the front and two in the back. So for the run-off for the roof, and the driveway.

Anthony Oliveri: You need to submit the calculations supporting the sizing on that, and they need to be reviewed.

Chairman Cosentino: An engineer would have to do that.

Anthony Oliveri: That should be based on a 25-year storm event; you're engineer would know.

Chairman Cosentino: Wood retaining wall should be discouraged, as they have a limited life expectancy and there would be virtually no way to replace them if rotted out. If a wall was to fall down into the parking lot below, business would experience potential loss.

Nicola Pinnetti: I don't do that, I can eliminate all the retaining walls with the exception of the side retaining wall, and the stepping and that's about it. The back will have no retaining wall, and on the side will be just the basic retaining wall for the stepping. I think I'll meet the code for that. As far as the rear, there is no necessity for a retaining wall, but I thought it would be more appropriate aesthetically, but if you think different, I will re-work the plans so that we'll meet the code as far as the retaining wall is concerned.

Chairman Cosentino: On number 11 here, there should be individual applications, which we said, for each parcel of land with appropriate fees paid for each lot. Number 12; an area map should be provided showing existing buildings and resulting setbacks of adjoining properties. 13, a cursory inspection from the public right-of-way, and 14, given the extreme slope, the high degree of visual impact that will result from this proposed construction, the applicant should create a more detailed tree inventory. The survival of new plantings and of the opportunity to preserve existing plantings is possibly in...

Nicola Pinnetti: There is only one big tree and the rest are small trees, less than six inches.

Chairman Cosentino: They are talking about re-planting other things.

Nicola Pinnetti: There are two in the front which we will preserve and in the back we'll leave it as natural as possible with the exception of ten feet from the house, and the rest we can leave as natural as possible.

Chairman Cosentino: With the new storm water regulations to be enacted by New York State DEC, properties with steep slope shall require separate permits from the New York State DEC. So you're going to have to work with the DEC on this because of the slopes. Also, the Village's sanitary sewer map does not show a sewer line.

Nicola Pinnetti: Well they are all drilled, hooked up, 40, 37, all of them are all hooked up. I hooked the other two houses up to the main sewer, so there is a sewer line.

Chairman Cosentino: The applicant shall verify New York State DEP whether or not these parcels are located within the designated main street area. You have a lot here that the engineer is rightfully so asking for.

Nicola Pinnetti: I met with him four times. Why doesn't he write a list and tell me what to do?

Chairman Cosentino: He did.

Nicola Pinnetti: No, before coming to the board he should have given me a list and I would have addressed the issue rather than wasting everybody's time, and I would have addressed it. I met him four times. The architect met with him, and he said everything was in order according to him. Then we come and he gives a list of this nature. So I don't think it's appropriate. Why do we have to waste time? I am very easy to work with the board and try to work the issues. So the most important that I would ask the board right now is the road. The road is something I cannot do anything about.

Chairman Cosentino: You need to go over those issues with the engineer. As far as we're concerned, he's telling us what has to be done, and right now the road has to be widened.

Nicola Pinnetti: How can we widen the road if we don't own the property?

Whitney Singleton: This subdivision was done approximately 100 years ago to the year. Many of the lots in here are not compliant. I'm not saying yours; many lots within this subdivision are not compliant and they were not improved, or they were improved by several lots were put together as was this one to combine one building lot. What happened over time was that as regulations within the Village changed, people needed to upgrade what was done to meet then currently existing zoning regulations. So we have people that are presently out there looking to do something similar to this, and they are going to be required to take frontage on their property to widen the road to 50 feet because they only have a 40 foot driveway. This one I don't even know what happened. It's showing a ten foot paved dip. It should be a minimum of 50 feet.

Nicola Pinnetti: If it was approved originally...

Whitney Singleton: It was never approved. This was never approved by any Planning Board or entity of the Village.

Nicola Pinnetti: So in this case, why did you allow it?

Whitney Singleton: That I can't answer, I wasn't around for that?

Nicola Pinnetti: It's an existing lot, we pay taxes on it.

Chairman Cosentino: The problem here is you've got steep slopes. That will be a problem to build any house on that, with the new steep slope law.

Whitney Singleton: The steep slope law is going to discourage any disturbance of the site.

Nicola Pinnetti: The disturbance of the site is primarily the foundation and the rest is no disturbance whatsoever. We will retain the water on it, and we'll provide for the safety of the strip; that area will be safer, people who have to turn around will be safer. We'll work with the Village as far as giving ten feet of our property to accommodate.

Whitney Singleton: I understand, I know what the rest of the road is like in that area.

Nicola Pinnetti: Some people use the front.

Whitney Singleton: That's why I want to know what was dedicated to the Village if anything. Because if the Village has a 50 foot right-of-way and they accept the dedication, then there needs to be a widening of the paved width of the road. To give you every benefit of the doubt, this thing is half the width of my driveway, the whole road.

Nicola Pinnetti: We don't have any problem with it, there were no accidents whatsoever.

Whitney Singleton: But the board is going to turn to me and ask me, "is this compliant with the code?" and you are going to be subject to steep slopes regulations.

Chairman Cosentino: That's the problem right there. The steep slopes law.

Nicola Pinnetti: I do understand the steep slope, but if you see the slope the first ten feet goes down, then there is a slight plateau.

Chairman Cosentino: Understand we don't make these laws.

Nicola Pinnetti: I do understand, but I've built on steep slopes before and never had any problems. My house, you see where it is, that's a steep slope.

Chairman Cosentino: If you built your house today, you'd have a problem.

Nicola Pinnetti: I understand, but I never had a problem, nobody complained, my neighbors...

Chairman Cosentino: But if you went to build that house today, with the new law, you'd have a problem with the steep slope.

Nicola Pinnetti: I do understand, but at the same time, these kids need a home.

Stuart Pinnetti: How do you correct that problem?

Nicola Pinnetti: A year and a half ago there were three houses built on Spring Street, why are they allowed and this not be allowed?

Chairman Cosentino: We want to do everything we can, but the law is the law.

Anthony Oliveri: Like Whitney the new law is going to discourage disturbance to the steep slopes. You have to show that you're working with the slopes, building into the slopes, and there are a lot of other issues here.

Nicola Pinnetti: We can work within the slope.

Anthony Oliveri: I would suggest before the formal application that you address each of these issues with Jeff Econom and the building inspector and go through it.

Chairman Cosentino: The way it is right now, it's not going to go through.

Anthony Oliveri: It's not just the steep slope, there are many other issues.

Chairman Cosentino: I don't think it will ever work because of the slopes.

Whitney Singleton: One other thing, I know you purchased this with the adjoining house. These lots were merged; you have a staircase in the center lot that goes to the main house. You're going to have to make sure that on these dividing lines that the house that was built to the north meets all applicable setbacks. That's why that is going to have to be shown on this claim as well.

Nicola Pinnetti: It's a separate lot.

Whitney Singleton: It is and it isn't. There are a lot of houses in this subdivision that had 25 foot wide lots or smaller lots, and rather than build on these miniscule lots that were produced by a surveyor, people took three, four, six lots together and plopped a house in the middle and merged all the lots together. That clearly happened on this lot.

Nicola Pinnetti: I didn't merge any lots, there were two existing lots on the plans, and I asked the Village and the Village said it was fine before I purchased the property. The owner, Mrs. Werstel was babysitting both of them, and she wanted them to have the property for their own homes. That's the reason it was purchased.

Whitney Singleton: I can understand and appreciate that but the fact of the matter is if she had two adjoining lots, and she puts a house on the property line, or her predecessor put it on the property line, you can't just start going to build on the other lot. That effectively merges the lots when you do that. And that lot is going to have to be shown on this application as well.

Nicola Pinnetti: What lot?

Whitney Singleton: The lot to the north that you own and the corporation.

Nicola Pinnetti: That's separate.

Whitney Singleton: It's not separate.

Nicola Pinnetti: Why not?

Whitney Singleton: It's not separate for purposes of this because those lots were all together. They were all owned by Mrs. Wertsel.

Nicola Pinnetti: They were on the market as being sold separately.

Vice Chairman Sturniolo: But that doesn't necessarily mean you can build on these two lots.

Nicola Pinnetti: I do not know. The only thing that was indicated to me before I purchased it, it was okay. I did what I did. The estate called me up, they wanted them to have it before anybody else, and that's what I did. They are kids from Mount Kisco and I am trying to provide housing for them. So that's all I'm doing. Not for speculation.

Whitney Singleton: In a situation like this, the State law provides that in the event that you have a road subdivided lot you have two years to vest your rights. You have two years to build a house on it. Some situations it's three, in this one it's two. You have two years to do that. It's been a hundred years. That doesn't mean that you can simply build on any lot that's in the Village. You are still going to have to be able to demonstrate compliance with the code. And one of the code conditions that existed prior to your acquisition of this property is a steep slopes ordinance, and you're going to have to deal with that steep slopes ordinance as part of this application. I'm telling you this up front so none of this comes as a surprise later on.

Nicola Pinnetti: Okay, based on this, if I eliminate one story, and I'll use the lower floor as a part of the residence?

Whitney Singleton: That's not for me to decide. The question is going to be for this board to decide in concert with the planner and the engineer whether or not this degree of disturbance is warranted for this site given the fact that there is already a house on this combined site. That's going to be for them to decide, and I think what we're telling you are look at a lot of the issues that the Village engineer raised. Now, you're going to have to come in and plunk down some money on applications and escrow fees and everything else, and I think that the board is telling you, and I'm trying to convey to you that you want to make sure that you're doing something that is viable.

Nicola Pinnetti: If the lots are approved are approved lots, what would we have to do with it?

Whitney Singleton: They weren't approved. They were filed; they were never approved by any Planning Board.

Nicola Pinnetti: I do know the Town Board approved the other lots when I did it.

Whitney Singleton: I don't know about that.

Nicola Pinnetti: I understand that is setting precedence according to the code.

Whitney Singleton: Again, that was done many years ago.

Nicola Pinnetti: In 1987, 1985.

Whitney Singleton: On April 21, 2003, the Village adopted a steep slopes ordinance that is now applicable to all applications. That was adopted prior to your acquisition of this land. That is going to be something that you're going to have to contend with. It's not going to be an issue for me; I'm just laying it out there for you as far as a procedural aspect. You're going to have to deal with that; I'm also going to have to have some sort of assurance that you have suitable to a publicly improved street. I don't know what the situation is with this street.

Nicola Pinnetti: I don't know it's been like this. I live over there.

Whitney Singleton: That may or may not be fine. I'm just telling you I need the answer to that.

Nicola Pinnetti: You need to know if it's dedicated to the town.

Whitney Singleton: Yes.

Nicola Pinnetti: So I will get that information to you, but I think the town should have done this work a long time ago.

Whitney Singleton: The town didn't approve any of this. The town hasn't accepted dedication of most of the streets here.

Nicola Pinnetti: They are not accepted dedications?

Whitney Singleton: No. Many streets within the subdivision were never dedicated and never accepted.

Nicola Pinnetti: I do understand but we pay taxes for it. So, the question is if we pay taxes...but that's another issue. The issue right now is how we can solve, as far as the issue that... I will go over this list and try to accommodate as much as I can to resolve some of the issue here. As far as the steep slope, I see a house that was built on Spring Street two years ago and I ask Mr. Cosentino and Mr. Sturniolo for advice. I asked whether there were any problems, and they said you have to appear before the Planning Board for approval.

Chairman Cosentino: We didn't have that information.

Vice Chairman Sturniolo: Set the record straight. You've spoken to Jeff, Nannette, Whitney, a lot of people.

Nicola Pinnetti: Nobody gave me any information.

Vice Chairman Sturniolo: Neither did I. Who is your engineer?

Nicola Pinnetti: Ted Strauss.

Vice Chairman Sturniolo: No, he's the architect.

Nicola Pinnetti: But he made these plans, so I'll get another.

Stanley Bernstein: He didn't do a very good job.

Nicola Pinnetti: The problem was they met with the engineer and the engineer told them it was okay. So right now we are back at Square One. If we had known before we would have presented a more viable application.

Ralph Vigliotti: It bothers me that I'm reading here Theodore Strauss and Associates, Architects and Planning Consultants. I would think you hired them not only to do the drawings, but their planning consultants should have told you that through some research that Mount Kisco has a steep slope ordinance. They are the consultants, not just architects. They should have, a long time ago, said I think you may have some problems. I don't know who they are, but I don't think they did their work. Early on, you should have gotten that information in all fairness to you. You hired them for their expertise and I'm not sure you got what you really needed to hear. We're giving you the information that your planning consultant didn't give you.

Nicola Pinnetti: Six months ago there was this information presented and the engineer didn't bring the steep slope to my attention. I said fine, tell me what you need, we'll try to meet all the requirements. I then had the architect met with him.

Ralph Vigliotti: Steep slopes were never discussed?

Nicola Pinnetti: It was discussed and they said to work on it and then come to the board. Right now I'll try and work most of the issues and come back to you again.

Anthony Oliveri: I want to point out there is another memo from Austin which repeats many of the items, so you might want to get a copy of that.

Nicola Pinnetti: I think I met with Mr. Cassidy as well and reviewed the plans. He suggested some items that were incorporated. I am trying to work with the board as much as possible, go back to the drawing board and consult the attorney to see how we can resolve this matter before I can present the next drawing.

Vice Chairman Sturniolo: The front yard setback is missing here. Also, if you look at this contour line, it starts here at 350 feet and ends at 356.

Anthony Oliveri: There is a retaining wall along that line.

Nicola Pinnetti: It is a contour line from side to side.

Vice Chairman Sturniolo: Here is the garage and driveway. How does a car get out to Oak Ridge?

Nicola Pinnetti: Backs out.

Vice Chairman Sturniolo: The car backs out into Oak Ridge?

Nicola Pinnetti: Yes.

Vice Chairman Sturniolo: You cannot back out in Mount Kisco.

Nicola Pinnetti: Not to Oak Ridge, this backs out on our property.

Vice Chairman Sturniolo: So, say there is one car parked here. How does this car turn around to go out with its front bumper first?

Nicola Pinnetti: It backs out into the garage. This is the driveway.

Vice Chairman Sturniolo: Yes, but I'm saying there is a car here in the driveway. How does it get out to Oak Ridge if there is a car there?

Nicola Pinnetti: It has to back out.

Vice Chairman Sturniolo: It has to back out into Oak Ridge, and you can't back out into a street into Mount Kisco. That's why you need the turn around area.

Nicola Pinnetti: The turn around area in where?

Vice Chairman Sturniolo: Somewhere it needs to be incorporated on the plan.

Nicola Pinnetti: Within the property?

Vice Chairman Sturniolo: Yes. You can't back out into a street. I understand your legacy for your children, and I understand these are not two houses you're building for spec and then planning to sell. I think, taking into consideration the steep slopes ordinance and the public hearing that is going to be necessary for a steep slope process; this literally is an uphill venture that you are trying to achieve. This is very, very, very difficult to try and build two, two family homes on that property assuming when you do the title search that it doesn't reveal anything that would immediately kill the concept. And I'm specifically talking about the dedication issues with Oak Ridge. The steep slopes along is a big uphill battle for you, in my opinion. And all of us need to share our opinion with you.

Chairman Cosentino: The steep slopes are going to hurt you.

Vice Chairman Sturniolo: As a conceptual application; before you go ahead and spend more money on this project.

Nicola Pinnetti: Who do I have to speak about the steep slope?

Chairman Cosentino: You've got to go to an engineer.

Nicola Pinnetti: Okay.

Stanley Bernstein: The vote is taken here as to whether you can build on the steep slope. And I can tell you right now, in the bad old days anybody can build anywhere. You could blast a mountain out; fill a wetland in, you could do whatever you want. You can't do that anymore. We want to preserve the environment. Looking at this piece of property, I really don't think you will be able to build on it. That is my honest opinion.

Nicola Pinnetti: What is the reason you see that it cannot be built?

Stanley Bernstein: Steep slopes. There is a law saying you can't build on slopes like this. Just as there is a law saying you can't take a wetland, a marsh, and fill it in and pave it over and build on it.

Nicola Pinnetti: So what do you suggest?

Vice Chairman Sturniolo: It is your call at this point, really, to see if you want to go ahead and pursue this.

Nicola Pinnetti: What is the alternative?

Vice Chairman Sturniolo: Not to build on the property.

Nicola Pinnetti: And what do we do with it?

Vice Chairman Sturniolo: It's yours.

Stuart Pinnetti: It's not really steep, if you want to look at it.

Stanley Bernstein: That may very well be; then what I said was wrong, but based on this elevation...

Nicola Pinnetti: The construction is going to be very flat. The front part is where the steepness is. Maybe I can show it to you if you like.

Vice Chairman Sturniolo: I've seen it.

Stanley Bernstein: I'm going to go up there and see it.

Nicola Pinnetti: You will see where the construction is going to be.

Chairman Cosentino: You have almost three stories there at the back of the house to affect steep slopes.

Nicola Pinnetti: Well, as I said, we'll eliminate one story; we'll be a two story. That's all. The fill will be in the front.

Chairman Cosentino: Fill in the steep slopes.

Nicola Pinnetti: I'm filling the front.

Stanley Bernstein: If you have a steep slope and you want to level it off, you can't fill in that portion.

Nicola Pinnetti: I'm filling in front of the driveway.

Stanley Bernstein: You can't do that. It's against the law. Not only against Mount Kisco law, New York State law.

Doug Hertz: Let me read one section from Jeff Econom's memo that didn't get read. The survival of new plantings and opportunity to preserve existing planting is possibly an insurmountable task given the rock outcroppings and potential for slope failure. An examination from below the site clearly indicates the existence of excessive erosion problems over the years. As part of this steep slopes thing, a public hearing will require that we look at what has come off over the hillside over the years, the stability of the hillside, any changes to the hillside and how that's going to effect the stability of what is there. What is being suggested is substandard and dangerous, as it exists. With additional work there, it may compound the problem.

Stuart Pinnetti: I don't understand. Every street has a back out driveway in Mount Kisco.

Nicola Pinnetti: the new addition that was put on Spring Street; the garage is backing out. I'm not setting a precedent.

Stuart Pinnetti: What could happen is we could go forward with a ten-foot level gap between the driveway and they could pull forward and back in so they're facing pointing out, as far as emergency.

Whitney Singleton: It says no parking space shall be designed so as to require a vehicle to back out into a public street.

Stuart Pinnetti: So why what was it approved on Spring Street? The snowplows can't turn around, they have to back up the driveway, and they have no access. It's more dangerous that way than if there is somewhere to turn around and access and we opened the road like you said, and we work with you to make it better; I think it would help everybody out. I mean the steep slope is an issue, but I think it can be overcome by some engineering prospect or architectural review. I think it can be changed.

Vice Chairman Sturniolo: The steep slope issue is one thing, what you're describing about the width of the road and emergency access vehicles are a separate subject.

Stuart Pinnetti: The steep slope issue is the biggest issue we have.

Vice Chairman Sturniolo: That's almost insurmountable.

Nicola Pinnetti: What about if I leave the steep slope alone on the front and I build the house on the back and park underneath. I'll make the driveway going in.

Vice Chairman Sturniolo: It's not up to this board to design.

Chairman Cosentino: You need to ask that question to the engineer.

Vice Chairman Sturniolo: You need to get your engineer to start to work on this over and above your architect.

Chairman Cosentino: Definitely. Talk to the engineer, talk to your person and then get back to us.

Vice Chairman Sturniolo: You have the feel and flavor of where this board is coming from. Do you want to go forward with your project or not knowing what you heard tonight?

Stuart Pinnetti: We obviously have to come up with alternatives. We'll discuss that with an engineer.

Nicola Pinnetti: I have to provide housing for these kids. It's an investment they made for this, so I have to find a solution to the problem. If you can help us out, I would

appreciate it, that's all we can ask. I will accommodate anything I can do to facilitate the situation, but that's all I can do. In the meantime, I appreciate your input.

Vice Chairman Sturniolo: We're here to help and to guide but also point out what the steep slope law says. The steep slope law is something that there is almost no wiggle room on. It's not as if it's an arbitrary thing on the Planning Board's part.

Nicola Pinnetti: Thank you.

**SEQRA:
Westchester Residence and Club**

Present: Mark Miller, Veneziano & Associates

Mark Miller: It is our understanding that there were some memos on the agenda tonight, some additional comments on our DEIS and it's our intention to take those memos, go back, make the additional corrections to the DEIS and then come back.

Nanette Bourne: If I could just amplify on that, the applicant had submitted a preliminary DEIS that was reviewed and comments were provided to the board. The board can go back and revise the EIS; they did so and we reviewed it to make sure that they had responded to the comments. If you look at your notebook, the applicant has taken all of our comments and they have identified them as all completed. When we started to look at it, we were concerned that they hadn't been completed in the way that we had hoped they would. I requested permission of the board to meet with them separately to talk with them about some housekeeping items. We met with their planning consultants last week, went through some housekeeping items, and asked them to provide a memo that just summarized those housekeeping items, which they did. That memo is from Patrick Hewes to AKRF, and it's in your packet. Separate, we looked at the revisions that were made to the document, and we provided a subsequent memo on completeness, which is included in your packet. Anthony provided his own memo on completeness and there are some overlaps on all three of these, but they basically cover what needs to be done for completeness. Utility items are done; I wouldn't recommend that it be accepted as complete.

Anthony Oliveri: I'd just like to add to that that guardianship referred to a memo from the CMX Engineers and a revised set of site plans which we never got, and which I don't believe was submitted with the revised DEIS. The memo supposedly enumerated an underlined version of all of our comments; it just never got to us. I'm not sure if AKRF received it.

Nanette Bourne: No, we didn't get it and that was one of the housekeeping items we went through, just to make sure that there may have just been some crossing.

Anthony Oliveri: The revised site plan has to be submitted.

Mark Miller: Obviously. If there was some clerical or administrative error, we were referring to plans and you didn't get them. You need to get them; there is no question about that.

Anthony Oliveri: Not just the book, we need the plans as well.

Mark Miller: Of course.

Nanette Bourne: I don't know if you have any additional completeness items.

Mark Miller: Obviously, we're not asking for completeness. We got the memo, we understand the issues and we'll come back to you with those issues addressed.

Doug Hertz: Just as a comment, Nanette and Anthony, it appears that you guys are doing a very thorough job on reviewing this. Thank you. This is far more than we could ever do as a volunteer board.

Mark Miller: It is a very thorough review, and frankly in the long run, although it delays us now, it helps make it a better document and simplifies the process later on, so we have no problem with that.

Vice Chairman Sturniolo: Are you going to be the attorney of record now for this project?

Mark Miller: Yes I am.

Whitney Singleton: He's been the attorney of record for a while on this.

Vice Chairman Sturniolo: I never saw the passing of the baton from your predecessor to you.

Mark Miller: I've been retained.

Vice Chairman Sturniolo: CMX engineering, they replace Schoor DePalma?

Mark Miller: They are Schoor DePalma. There was a nationwide corporate name change. They are Schoor DePalma.

Vice Chairman Sturniolo: Are the same players involved?

Mark Miller: Same players, Chuck Utschig, Michael Finan, same people. Schoor DePalma with a new name. So, we'll be back. Thank you very much for your time.

Special Discussion:

Chairman Cosentino: On 21 Armonk Road, Luppino, I'm going to ask for a table on this for the simple reason that we needed information that we did not get from Austin.

Ralph Vigliotti: I would also ask that the site be visited by the Building Department during the morning working hours between 7:00 and 7:45 prior to the next time this is placed on our agenda. What I'm saying is I don't want to see this back on the agenda unless someone from the Building Department has documented that they were on that site from 7:00 AM to 7:45 PM observing the mechanics of the site and how it's being used.

Vice Chairman Sturniolo: One of the things Joe and I are going to do is meet with the Village Manager tomorrow; tell him what took place at this meeting tonight and incorporate that and have somebody go out.

Ralph Vigliotti: The season has almost come to an end.

Vice Chairman Sturniolo: I know. Seasoning and timing in this Village is something that nobody remembers.

Motion to table the discussion regarding 21 Armonk Road until we receive the status report that the Village Manager asked the Building Inspector to generate a month ago.

Motion: Vice Chairman Sturniolo

Second: Stanley Bernstein

Aye: Ralph Vigliotti

Aye: Sol Gibbons

Aye: Doug Hertz

Aye: Vice Chairman Sturniolo

Aye: Stanley Bernstein

Aye: Chairman Cosentino

Environmental Monitoring:

Nanette Bourne: We are working to make sure that the final environment components of the Woodcrest have been taken care of. This one page memo is in response to what they received a few months ago. We're kind of nibbling it down. The eight-page memo... he didn't disagree to our face with any of the items.

Correspondence:

Letter from John Drake re Sarles Estates Storm water prevention plan.

Nanette Bourne: They apparently are dealing with DEP. I hear from the Planning Consultant from Sarles every six to eight months that they are coming in momentarily.

Chairman Cosentino: Notice of Violation from Austin Cassidy to Louis DiLisio, letter from Austin Cassidy to Anthony Monteleone re Eduardo's re the plantings. All the plants are out but the planters are still there.

Vice Chairman Sturniolo: It's the lack of enforcement once again. Letters went out, five days has passed. Appearance tickets can be issued, the dumpster is still in the wrong location, and the sign is still too big on the side of the building.

Doug Hertz: Will that be brought up at the meeting?

Chairman Cosentino: Yes.

Doug Hertz: And if I just might say on DiLisio, I find this particularly upsetting. We bent over backwards, in my opinion, for this applicant based on representations that this would be cured.

Vice Chairman Sturniolo: By the same attorney representing Eduardo's.

Chairman Cosentino: Outdoor dining permit requirements; copy of approved 1976 floor site plan, Eduardo's; revised letter from John Partenza, to the Planning Board re withdrawal of application; minutes from beautification committee; Planning Board calendar 2008 for review.

Minutes: April 24, 2007

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

Minutes September 11, 2007

Motion: Stanley Bernstein
Second: Doug Hertz
Aye: Doug Hertz
Aye: Stanley Bernstein
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Minutes September 25, 2007:

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

Vice Chairman Sturniolo: In reference to the calendar, as the agenda dwindles down to the end of the year, we need to find out again, do we need to make any changes to our Rules of Procedure, because that and the calendar need to be addressed on a vote at the first meeting in January.

Whitney Singleton: One thing that's perhaps even more important than that. There are some things in your code that you or staff has observed as being inconsistencies or shortcomings of our code that you would want to keep track of, Nanette and I keep track, and they should be addressed to the board for correction. One of the actually came up tonight. Nanette and I were discussing over here what was done on the RM-10 Zone as far as a zoning update, the RM-10 Zone, which allows single family and two-family, it allows 6250 for a single family but it requires 10,000 square feet for a two-family. As applied to the site that we looked at tonight.

Chairman Cosentino: But wasn't that designed for the dollhouse at the top of the hill?

Stanley Bernstein: Manchester and Main, and he had his big beef because on the other side of the street, it's all one family, and on that side, it can be two.

Nanette Bourne: What's also interesting is that in 1987 when we were revising the code, he had recommended for the RT-6 that it be 10,000 square feet as a minimum requirement. 6,250 for one family and 10,000 square foot for a two family. That was the way that the proposed zoning was written. When it got to the public hearing, there was a huge outcry with existing property owners saying we were taking away their property.

Meeting adjourned at 10:30 PM on a motion by Mr. Vigliotti seconded by Mr. Hertz.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary
dm