

**Minutes  
Work Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, November 27, 2007**

Meeting called to order at 7:35 P.M., Tuesday, November 27, 2007, at the Municipal Building Mount Kisco, New York.

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

**Members Absent:**            **Joseph Morreale**

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

**Minutes: August 21, 2007**

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

Doug Hertz: Mr. Chairman, just a couple of typographical comments. Page 6, line 15, even though I would love to be quoted this way, I don't think my speech is quite as florid. Please change seethingly too extremely. And on page 7, line 31, I cannot figure out what word I might have said here, but it certainly wasn't Roosevelt. Same page, line 43, please change regarding to re-grading.

**Special Discussion:**

**Present:**

**Patricia Lee, Mount Kisco Conservation Advisory Board  
Peter Grunthal**

Patricia Lee: First of all I should say that this was not a formal presentation per se, but more or less the result of discussions that started in June 2007 when Mr. Bernstein approached the Conservation Advisory Council saying that members of this board had expressed an interest in a Green Building article in the Sunday Times. I volunteered to do some research. You, I believe, all have copies of that research now along with the disc from Yale University. Since that time, I've done a little more homework, and at our last Conservation Advisory Council we talked about how best that group could serve the needs of your group, and what we thought would be a good initial approach. Rather than looking at this as a one-shot deal... we're going to come in, make a splash and you're never going to see us again. We want you to feel that we're there to help you out in any way that we can. Not to dictate, but to serve. We sort of thought that the best thing to do would be to make some suggestions and to talk about where are we, where do we want to be, how do we get there? With that in mind, I took from something that we distributed to you last spring which was the local initiative; an action plan so to speak. A one-page cheat sheet, scribble on it anyway you want, figure out if there is something we could do to help you. The first item on the action cheat sheet is to establish a baseline to look and see what our basic policies are now, what our ordinances are, what are our environmental programs, to identify what those existing efforts are, and then to move into the next phase, which would be to analyze building trends and to review our existing guidelines. I have a couple of suggestions with establishing a baseline. I'm a special analyst in litigation support, and I do a lot of computer stuff, as you all know, so this is what this is generated by. Recently I worked on a document production of 2-300,000 pages, 20, 30,000 documents and pulled out of that documents that we found particularly interesting, created a spreadsheet with linked PDF's, so that if there is a plan, an ordinance, a policy; rather than having to leaf through and find a bunch of binders and go through that, we could conceivably create a research vehicle that would have all in one place what we have now. That would be one

suggestion that we might be able to work with you on creating. I understand that time is a precious commodity for everyone, all of you and all of us. What we would like to do is try to provide some of that time to help you get things done. I did bring some homework for you, for example I have access to Lexus Nexus which is a really good research tool, and I hopped on yesterday and I looked through the architectural record. I picked out recent articles on green building, printed some out and thought you might find it useful just to take a look at. Jim Gmelin who is also on the CAC found a really good article in the Wall Street Journal on green builders; that's in your packet. The Yale University Survey on American support for local action, that's in your packet, and the AIA Materials. When I was Chair of Citizens for Byram Lake Reservoir, I worked really closely with a lot of groups in Westchester, and we had a lot of support from Edna Sussman who was then Director of Federated Conservationists of Westchester County. Edna is now in private practice and I've contacted her. She is on the Westchester County Global Warming Task Force, so I thought it might be useful for us to have a chance to create a bridge with them to see what we could pull from there resources. There are a couple of articles of Edna's in your packet for you. Yesterday's New York Times had an article that really caught my eye, in that it was something that might not be of particular interest to the Planning Board but I think would be of interest to the Village, and that was that Chicago is looking into a new paving material that will be environmentally friendly. You all have that. I came across some information on sustainable development and made copies of that for you, and The Architectural Record, as I mentioned. So that's what's in here, and what's in my mind is that I would like to hear from you what you think we could be doing to help you.

Chairman Cosentino: Some of the projects that we have before us now such as the hospital, 333, Lexus, BMW, maybe there could have been a little more input on those particular projects, that we could have studied. I don't know if you did anything on them.

Patricia Lee: Understand I'm pretty new on the CAC, so I don't think we have done anything with any of those projects.

Chairman Cosentino: I think we had a meeting in the past, where one member of the board would attend one of our meetings.

Patricia Lee: Absolutely, and that is on our slate. We are definitely planning to try to have somebody at any meeting you want to invite us to.

Doug Hertz: First off, thank you. I'm one of the board members who said this is something we should be looking at. I think there are a couple of things going on. There is going to be a limited amount of private home development in Mount Kisco. There are just a very limited number of sites left, so primarily what we get involved with, because there is not going to be a lot of subdivision work having to do with single-family homes; we're looking at the commercial buildings, and those turn over on a regular basis and get revamped and re-thought. Part of what we do, though is to some extent, at the request of the Village Board, because we can only go as far as our purview allows and some of this is really going to be advisory to the Village Board, because if the CAC and then the Planning Board feels that there are intelligent energy policies that can be put into place; whether it's energy policies related to green building technologies, it's going to be up to the Village Board really to enact or to allow the Planning Board or CAC to be able to create the framework in which we can make those things happen. We currently have one application before us where we have suggested, and the applicant has agreed to obtain LEED silver status, Westchester Residence and Club. That's going to be a huge project, and I think it's wonderful that they've agreed to it. Exactly how that gets implemented will be an on-going back and forth discussion between the Planning Board and the architects and the principals involved in that because to attain LEED status, they give you a large range of things that you have to attain, and you can attain this or this or this, and up the line. So, part of this discussion involves recommendations that go up to the Village Board as to what we feel needs to be enacted in the law, if anything, to give us the teeth to say a project of X size needs to meet certain kinds of criteria. There's LEED, but LEED is only one set of standards. When we were rehabbing the house that we were discussing earlier, we looked at trying to get any LEED certification for a rehab. It's very, very difficult to do because essentially it's very expensive to do. You have to have constant site monitoring. It's also very difficult unless you do a complete renovation, almost from ground zero. It's hard to attain LEED status because there is no real provision for doing a partial restoration or a partial renovation that matches LEED, because they just don't have criteria that work. That doesn't mean that intelligent building policies and policies that encourage ...whether its energy Star, lower water usage... would not be beneficial to the Village. Whether the village fathers choose to require them, give tax incentives to help put them in place, there are a whole host of possibilities. Part of what I, as one board member would like, are two things. One would

be additional input. We get input from our planner and their professionals as to what can be accomplished, but partly it's another set of eyes to look at any project and say this technology might be intelligently applied here, we can create some savings here, we can sort some of this locally; whatever it may be that would move it in an intelligent direction. The other would be to help suggest a series of policies that would have to get forwarded up to the Village Board that would end up becoming the rule for future construction.

Patricia Lee: Along those same lines, I'm on the board at Bedford Plaza. I'm also a fairly new board member there. I don't know if you noticed in the Times a few months ago a cover article on apartment buildings and how they can implement policies or ways to improve their energy consumption. We're already implementing little things. Changing all the light bulbs. We've knocked our water consumption down 20 to 25% in the past six to eight months. This may be something that the Village would be the more appropriate vehicle to convey. Things like tax breaks. New York State has tax breaks for multiple family dwellings that implement energy saving policies. Don't ask me that today what all of them are. I'm an intrepid researcher, so I can find out.

Doug Hertz: For instance, one of the major problems the Village has is water. We have a very limited water supply as you know. One of the things that's always struck me that would be beneficial is some policy that would promote people using less water, whether it's changing your toilets to low flow or Class Five toilets or whatever that may be, there needs to be an incentive to do that. Something like changing a toilet you don't need a permit for. There can be a requirement to do that, and I believe there is a requirement to do that on renovation work, but short of renovation work, those kinds of things can be tremendous water savings and benefit the Village in a very significant way. Again, we have no mechanism to make that happen, but we're looking at those sorts of issues. It may be that the CAC, Planning Board, whatever, can forward suggestions to the Village Board and maybe part of an X month long project would be to see what a tiered set of suggestions, some of which could be easily implemented, some of which might be more involved, that could go to address some of the issues that we've already identified. Water is the most obvious in the Village.

Patricia Lee: One of the things Stanley and I have talked about a little bit: pesticides. I believe he suggested at some point the Planning Board or some Village vehicle could put together some sort of a little informational brochure on pesticides. I probably have all of that. I was in touch with Mike Gerrard who represented us when we were doing Seven Springs, and I got a copy of the introduction to his book, and in that he talks about the EDC's, endocrine disruptors. I think that if people had a better understanding without banging them over the head of what they were up against when they used some of these products, they might be more willing to think about not just what it's doing to storm water runoff, what it's doing to their kids to run through their lawns. I think putting together something like that for general consumption wouldn't be onerous and could be something that we might think about having available by the spring. Another thing was, as you mentioned, the water savings. Last summer we had a table at the Family Day event, and Stanley brought some materials from Cornell Extension on plantings. Maybe we should think about a way for a landscaper to come up with some tips on plants that are not terribly water thirsty. I just moved back from New Mexico, and when I first bought my house, it had grass with big sprinklers. The first thing I did was take the grass out, put in drip irrigation and some plants that were more environmentally friendly. I think all of these things that we could do in a simple way. Can it impact your commercial buildings that you are mostly involved with? Maybe. Maybe when you have something that comes before you like the Westchester Residence and Club, we could encourage them to use some of these more environmentally friendly things; not just the storm water run-off things that are obvious when they're doing their building, but maybe things like plantings. Maybe we need to offer an incentive. Maybe we need to find a landscaper or Cornell Extension or somebody who would come in and volunteer and do a presentation for them.

Doug Hertz: I think in something like a commercial building that's come before us, we don't need to offer much in the way of an incentive. We need the opposite. What's concerned me, and we were very lucky with Westchester Residence that they agreed. They're trying to get what they want to get, so they kind of presented this as an option, we latched onto it, and we're not letting go. Once they offered it, we're making that a requirement and it's well in the record and they've agreed to do this. It's unclear to me to what extent we have the ability and authority to hold other applicants who will be coming forward in the future to require them to do those sorts of expensive, in some cases, changes to their possible plan so that they will meet certain Green Building requirements that the Village Board decides would be beneficial. So, I think what we need to do is come up with a series of things that we, within this Village, feel is

important to try to get builders to follow a set of guidelines and certainly with the advice of counsel, see if we need the teeth of an ordinance to help us do that.

Whitney Singleton: I don't know that you need that. Right now, you have the teeth of being in charge of the health, safety and welfare of the community. Specifically within that you have control over drainage, storm water, landscaping plans, lighting plans, all sorts of site design. On top of that, you have the SEQRA requirements that require you to make sure that they have adequately been mitigated and any significant adversity environmental impacts.

Doug Hertz: What concerns me is that we get into a situation where requiring something, say any green building technology, doing a green roof, meeting Energy Star requirements, whatever it may be, that the applicant could claim that we're being frivolous or we're going beyond what's required.

Chairman Cosentino: Is there a tool that is used for that?

Nanette Bourne: Absolutely, and you know that I love this stuff. There are a number of things. There are communities that are requiring LEED certified buildings as just part of the development approval process. A lot of the cities in the northeast are either requiring that new publicly funded buildings be LEED certified, a lot of our communities don't have that many public buildings, so they're going beyond that and just requiring new construction. That's being considered in Yonkers and New Rochelle, White Plains is trying to do something LEED like, but there are a number of communities that are leading the procession and it's not going to be that difficult for Mount Kisco to follow in their footsteps.

Doug Hertz: But are they doing it simply by order of the Planning Boards? By ordinance?

Nanette Bourne: By ordinance. First they establish a policy, and the policy is to reduce the carbon foot print or whatever, and they establish a baseline. There is an organization called Enclay. I would encourage the Village Board to consider joining it, I'm not sure if you're familiar with it. It is an organization that provides support to municipalities. They provide a service that inventories and calculates your baseline. You start with your policy, your baseline and that becomes your rational nexus, and as a result or therefore, we are going to require a minimum LEED certification of gold, silver platinum or whatever you want, and that is what's considered standing the test if this ever gets to court. I'm not aware of any developers that have successfully litigated LEED certification because it's all quite new. Westchester County's task force on Global Warming is supposed to be coming out with support materials to assist communities to incorporate this into their ordinances. There are a lot of things that the Village can do right now. The one common support that the communities in this area are involved is Enclay. There is a modest cost for joining that, and the communities that are involved, that is their first line of defense, and moving from thereon. In addition to Westchester Residence there is another significant building that you have the opportunity to encourage green building technology and that is Buckingham property. Now is the time, the project has not matured far enough along to make it impractical. They certainly have a lot of challenges on the site, but this would be the perfect opportunity for that to be another signature building in Mount Kisco to incorporate this.

Chairman Cosentino: Is there anything that the Village fathers have to do to implement this?

Nanette Bourne: It starts with a policy from the Village Board.

Peter Grunthal: Jim Palmer and I attended a meeting in Bedford recently, where exactly what Nanette is talking about was the subject of discussion. It is essentially, this multi-faceted issue of everything from the smallest details to the largest concepts that we are trying to grapple with over here. Talking about climate change and global warming, carbon emissions, where they are now, where they are going what the new trend is, how much they have to be cut back to reverse the climate change, and what we can do at the most trivial, if I may call it that, level such as changing the light bulbs in Village Hall which we've already done from incandescent to fluorescent. Jim and I started discussing what to take forward with the trustees. I was talking about this with a couple of members of the Conservation Advisory Council earlier today; to move ahead and present to all the Trustees so we could adopt, as a Village, exactly the kind of policy that I think Doug is looking for. A policy that says we would like to cut our carbon emissions by X percent in so many years, that means we have to establish a baseline.

As Nannette mentioned, there is software available. I don't think they do it for you, I think you have to do it for yourself.

Nanette Bourne: For a cost they do it for you.

Peter Grunthal: But essentially we have to find the records of expenditure of utilities by our business, municipal, and residential sector. It's a big job, establishing the baseline. Once you have a baseline that could be translated into carbon emissions and then you set a goal to reduce that by a certain amount. This is happening in municipalities' right across the country now, so we would not be alone by any means. Bedford is moving ahead with this. Within that context, then we've got to consider what is done by incentives and what is done by legislation. Certainly there might be some things that we want to do by legislation such as, and I'm not proposing this, I'm just giving this as a possible example, that every new building that is built shall be built under the LEED certification standards. Or it might be that all the public lighting in Mount Kisco must be changed from incandescent to fluorescent. There are certain things we can do by legislation or by regulation and there are other things we want to do by incentives. For example here in northern Westchester, a huge percentage of the carbon emissions come from transportation and residential use. So, it's preferable generally to focus there rather than industry in Northern Westchester, although here at Mount Kisco we might want to focus on business as well. So you look at transportation. What can we do with primarily with vehicles? Can we encourage people to move to hybrid; to plug in hybrid when they come along? How do we do that? Is that something that must be out of the State level or the County level or can it being done at the Municipal level? I have no idea at this stage.

Doug Hertz: A for instance would be what Chappaqua did. They did a pilot program where they got prime parking spaces at the train station for incentives.

Peter Grunthal: Certainly our vehicles being purchased by the Village, Jim Palmer has been looking at and continues to look at hybrid vehicles. Some difficulties perhaps and getting the appropriate State contracts, some difficulties in getting them for the police department, but these things can be achieved given the will and given just a little bit of time, as long as we keep pushing. The residential sector- there is a lot of things that can be done to educate people. Perhaps some thing that we can do to give incentives to residents of the Village to try and reduce their energy usage. Doug mentioned a couple, the Energy Star for appliances. We might have as a Village ordinance that all new buildings shall have energy star appliances. We might have certain standards of insulation. But there are two sides to every argument. Should it be done by legislation, or should it be done by incentives? If you do it by legislation, how are you going to enforce it? If you do it by incentives how effective will it be? So we have a way to go. But what I see is; something we should do almost as a matter of urgency because global warming is a matter of urgency at this point. It starts simply to pick the low growing fruit, such as putting fluorescent bulbs into Village Hall. It is my hope that within the Village we'll do that. I see the Conservation Advisory Council is perhaps the vehicle to keep us moving along with maybe a subcommittee of the CAC, I'm not sure. Certainly I take the point that Doug made that maybe it has to be the triumph of the CAC and the Planning Board and the trustees working together. I for one would be more than willing to sit with the CAC initially and try to get the show on the road. Maybe we can have the CAC in front of you again, fairly soon to see if their preliminary thinking is something that you think is appropriate.

Chairman Cosentino: There should be a good communication between the two boards.

Vice Chairman Sturniolo: Pat, I'd like to offer a couple of comments and pick up on two things that Doug articulated earlier. There isn't a lot of new construction going on in Mount Kisco, it's primarily a given site plan and a renovation or a demolishing, or whatever. One of the things that we are constantly strapped with is the words "it's been grandfathered" and "it's been like this for 150 years." So if we are trying to promote innovative thinking regarding conservation, regarding storm water prevention pollution plans, we also need a way to address an applicant's desire to rehabilitate a building, but by the same token be able to say to the applicant, however, just because it's been here 100 years and you've been dumping water in this direction, doesn't continually allow you to make that happen as you go ahead and rebuild your building. The other example in a different vein, and it's a vacant land, is the property on the corner of Radio Circle and Lexington. There is a stream. What's going to happen when that piece of property finally gets developed and built upon and the impacts of the water course as we currently know it, as it was once, if something is built there and the downstream effects of it? That's one concern I have regarding the redeveloping of existing properties, and I site the Lexington Avenue property as not a re-development because right now it's just virgin

property and it was never built upon. The geothermal project for the library; that philosophy that kind of thinking needs to spread quickly. It's expensive, it's time consuming, but when I say quickly that needs to be the kind of forward thinking that the Village needs to do both in the private sector and in the community itself when the Village can control new buildings or things that are within their purview. The entire Village of Mount Kisco sits in the New York City watershed as we all well know. However, our sole, primary source of water is outside of Mount Kisco, and it's a bad hand of cards that we were dealt.

Patricia Lee: Don't I know it.

Vice Chairman Sturniolo: But that is something also that we need to focus on and keep in the forefront because we're not starting at a level playing field. Mount Kisco is obligated to protect what is New York City's, but by the same token who is protecting what we drink? Your organization, the Village Board and numerous other groups. But if we could encourage these numerous other groups to focus and get together similar to some of the groups that have gotten together in support of Mount Kisco for the DuBoise property; that is the kind of forward thinking that we need to do regarding our water source. I'm thinking a little about pesticides, but I think Stan might want to comment more deeply on that. We have language in resolutions of approval regarding best management practices, and pesticides, but with new types of fertilizers coming on line constantly which are more environmentally friendly, I think that ties into a point Nannette brought up; I think that is something else we need to focus in on. The newness and what's around the corner right now to feed your grass but at the same token don't create the poisonous atmosphere for children playing on the lawn, don't create the unnecessary algae bloom and algae build up in water sources when there is too much nitrogen being dumped into the water source and creating those kinds of problems. Those are some of my general thoughts and concerns, and I totally appreciate your spending time with us.

Patricia Lee: Starting with the pesticides, I signed on to get the EPA's regular pesticide alerts when we were fighting Donald Trump, which still come into my e-mails two or three times a week. I do glance through them and I don't think it would be that difficult to just take a look at some of the newer stuff. Pesticides have become an interest of mine, so I don't think it would be too hard for us to keep on top of that issue. I'd like to tell you that Susanne Grant and I and other members of the CAC and the Byram Lake Committee do keep on top of what's going on at Seven Springs. We keep in touch with Bedford, which has now taken the role of Lead Agency. We got the paperwork; at least the two of us will continue to attend those meetings. When it was a very active fight, if you will, I used to go to all of the Croton Watershed Clean Water Coalition meetings, and I do still keep in touch with Marion Rose. She's no longer the Chair, but even when I was in New Mexico I was still very involved in Byram Lake and kept in touch. So, we keep on top of that...could we do a better job? Could we use more help doing it? Yes. But we certainly aren't walking away from it, and I believe that the other interested groups can be motivated if a threat arises. So we are monitoring what's happening with that. About the vacant land, I really can't address that. The only suggestion I might make, and I don't know where we are at with this, perhaps we need to expand the wetland. I don't know what our wetland situation is. Is it 50 feet now?

Stanley Bernstein: 100.

Patricia Lee: Okay. Grandfathering. I got in touch with Mike Gerrard yesterday because I wanted to find out A, what might be happening in New Castle, because his wife has just been elected Town Supervisor and because I wanted to get in touch with Edna Sussman. Mike has just edited a book, and he is going to send a courtesy copy to the Village, but I downloaded from their website the introduction and the Table of Contents. The title of the book is Global Climate Change and U.S. Law. Some of the chapters are about municipal laws, and about municipal ordinances. I agree that there is a lot that we can do with incentives, but there is also a lot that has to be done legally. One of the points that Mike makes is about the consortium of New England States, and possibly California; Vermont was involved in litigation with some automobile companies about emissions, and Vermont won in that it established a statute that limited the kinds of emissions in standards. So, I think that the creation of ordinances is probably not as onerous as it once was because there are precedents being set.

Whitney Singleton: That litigation you're talking about; they specifically went to Vermont to pick on Vermont and provoke the litigation because they were the easiest state to pick to establish a precedent going forward. The only reason Vermont prevailed on that was because states like New York stepped in and filed Amicus Briefs. I would not regard that as Vermont being on the cutting edge. Vermont was picked on as being the weak one.

Patricia Lee: I didn't mean that Vermont was being on the cutting edge. I just meant that I had heard about that particular win. So you have back-up and New York State is offering a lot of incentives. Getting back to grandfathering, I would hope. But I don't know if the grandfathering was contrary to the health and well-being of the community in general that the Village might be able to prevail.

Whitney Singleton: It's not even a question of health and safety and welfare. The Village Board can simply eliminate pre-existing, non-conforming uses. But I can assure you if they do that, Peter Grunthal won't be sitting there. That would be an absolute political suicide for anyone to do that.

Doug Hertz: Forget eliminating all grandfathering of everything. I don't think that was being discussed. But, for instance, when we forwarded the lighting ordinance to the Village, I think that you indicated that one of the changes that your board is considering, Peter, is we did not suggest that pre-existing lighting fall under this. This was all about new lighting. I think you have a timetable to eliminate phasing out of non-conforming lighting. Once we come up with a series of things that we feel are important, there are methods to do that, which are not political suicide that would be viewed as intelligent, reasonable, not terribly onerous steps. If you get rid of everything in one fell swoop, yes, but if you come up with reasonable plans that people can afford that make sense for the Village.

Whitney Singleton: I think you generally find communities having provisions that allow for the continuation of pre-existing non-conforming uses as a means of reality. I don't think you see many communities that phase out non-conforming uses. I'll go back to the issue regarding the pesticides. There is no doubt in the world that Mount Kisco could adopt a policy regarding what types of pesticides are permissible and not permissible. We could hold ourselves to a higher standard of DEC requirements, but is that something that we're going to police? That's what you need to do when you adopt these things. It needs to be enforced. Otherwise, Mount Kisco is just a paper tiger.

Chairman Cosentino: There are a lot of things that we put on the books here that are very difficult to police. Very difficult.

Patricia Lee: I'd like to respond to pesticides in particular. I don't think it's just a question of setting out an ordinance and that's it. I think it's more an issue of education. I know when we were banging our heads against Donald Trump's project, there was a cadre of people who would write newspaper articles, handed out materials, spoke to people, and educated people on some of these pesticides. I think if people knew exactly what some of these endocrine disruptors alone do leave the cancer stuff out, let's talk about endocrine disruptors and what some of this stuff boils down to when it hits the water. I don't think you will have that much of a problem, but I don't think you can bang them over the head. What's wrong with being an innovator? Mount Kisco takes the lead on a pesticide policy.

Whitney Singleton: That's fine, and I don't disagree with you. I don't have a problem with what you're saying, I'm just saying sometimes things sound good, the implementation, and more important the enforcement, the policing, is a lot more difficult than people might think. We have a tremendous number of laws about issues with regard to non-compliance in Mount Kisco. One of the problems that we have is enforcement issues, and education is terrific, and I think that eliminating certain pesticides is certainly within the Village Board's purview. The question is, is it realistic to police it? If you're asking people to self-police, then you're going to get inequities in the treatment.

Patricia Lee: I guess what I would envision, if we were going to contemplate an ordinance, would be the availability of alternatives and perhaps if there was an ordinance, then the local hardware stores sells the acceptable stuff if you want to drive and spend the gas to go to Home Depot fine, but an acceptable alternative is available locally. There are creative ways.

Doug Hertz: You can't police something 100% as micro as what pesticides to use, but if the Village in it's wisdom decides to have a swap day; you can swap your non-complying pesticides for something that will do the same job and is complying and it's free, why not? I think a lot of people will jump on board. And if they didn't jump on board on day one, they'd jump on board the next year it's done. There are creative ways to get these policies moving forward, shy of just let's create a law and fine people if they don't comply.

Patricia Lee: That's not the way to do it.

Ralph Vigliotti: I agree with Peter on the education piece. We could be providing workshops for Village residents here at Village Hall or at a larger meeting hall on the education of what the good and bad pesticides are. We have many people coming up from Southern Westchester and New York City and they're not familiar with what's good and bad. We'll educate periodically once a year, but you'll have that natural turn over of homeowners. I honestly believe in my field of education, there is conferencing workshops all the time to just re-educate people to get people up to speed with what's going on.

Chairman Cosentino: I think as well as educating the homeowners, I think you have about 50 or 60% of the homeowners here that use landscapers. These are the people who are going to have to be schooled.

Doug Hertz: That's an easier job. That's a very compact, finite group and those people have an economic incentive to follow the rules. If you want to do business within the Village lines, that's pretty easy.

Chairman Cosentino: Except the landscaper has to be licensed for that now in putting that down.

Whitney Singleton: If you're going to outlaw the use of certain pesticides, that landscaper could still use those pesticides. He just can't use them in Mount Kisco.

Chairman Cosentino: And that's where your workshops are going to have to be, because they're licensed to cut out a particular pesticide that they are licensed to put down. You need to get around that.

Patricia Lee: As a board I can tell you that Bedford Plaza is changing its policy on pesticides.

Chairman Cosentino: But that's where it has to start. It's the homeowner telling the landscaper. In my town in Florida, the landscaper himself has to be licensed by the local municipality or you don't get to do work in that municipality. They have a policy of what pesticides you can use. So by licensing them you have control of what you're going to be doing.

Peter Grunthal: What's happening is there are many communities talking, as we are talking right now, and if we find that it's not only us, if everybody around here is requiring these licenses, contractors are going to start to comply.

Stanley Bernstein: On the pesticide issue, there are a number, and it's growing, of contractors and lawn people who will only use no pesticides, proper organic materials including fertilizers, etc., that are not toxic. Most of them are in Long Island. Cornell Extension has a list of them, which I will try to get, and I think it's easier to control the contractors especially if you educate the consumer and the consumer decides to enforce the policy himself, say this is what I want and this is what you've got to do. But you're faced with another issue, I'm sorry to say in my investigations and you're going to have to fight the giant chemical companies. Why do I say that? New York Botanical Garden, of which I have been a member for at least 50 years, is an environmental organization and we'd like to hope they'll do the right thing, yet they have a demonstration lawn by Scott. Scott has their experts there telling you what to put down on your lawn and how to build a good lawn. When I asked them how we could do this organically, they evaded the question. There is another issue with homeowners. If you are to get a lawn as nice as a top notch golf course it takes many, many years and a lot of back-breaking work. If you can convince them that the effects of doing it properly is not only good for the environment but good for their children and good for everything else, perhaps you got a shot at it. But I say it's a difficult row to hoe, and it's one that can't be mandatory because it's an enforcement issue you won't be able to fight.

Chairman Cosentino: The more I hear this, the more my mind goes in circles. Leaf blowers need to comply with less noise and less emissions by 2010. If you're a plumber like I am, you're licensed by the county, electricians are licensed by the county, why aren't landscapers licensed by the county, where there is more control?

Doug Hertz: We now have a friendlier ear in the County Legislator. This Village has a good relationship with him. If we feel that's important, maybe that message could get forwarded up the County Legislator.

Chairman Cosentino: The County should have a responsibility with this, and I think it starts there. They are our representatives. License these landscapers.

Whitney Singleton: You do have licensing; it's at the state level.

Ralph Vigliotti: Can the Board of Trustees create legislation to have landscapers be licensed?

Whitney Singleton: Absolutely.

Ralph Vigliotti: And then could they provide the guidelines that they must follow on the education of pesticides and lawn care and so on? If it's going to begin, we probably have a better opportunity to make it happen at this level, other than convincing the county. We should do that at the same time, but we could do something here locally with some local legislation.

Nanette Bourne: Does the Village have a policy in using pesticides on village-owned land?

Whitney Singleton: We don't know the answer to that question.

Patricia Lee: That's why we need an inventory of policies.

Nanette Bourne: That's what you've been talking about with this multi-tasking approach starting at the Village level; how the Village takes care of its own property which is based on a Village Board policy. Many communities in Westchester prohibit the use of pesticides on their own property. They start with their own backyard.

Peter Grunthal: I think just about anything is possible at this stage, and the reason is within the last year or two, people have really come to understand that climate change is happening, we're witnessing it with drought in Georgia, fires in California, etc. Kids in school are getting much more exposed to this right now. I think that there is a much greater willingness and will continue to be so over the next year or two to accept policies, incentives, regulations, legislation which is clearly intended to prevent further environmental degradation. With the library, LEED certification was discussed for the new library, and we arrived at the point after some discussion that we would not go for the LEED certification because all the specifications meet the certification standards, but the paperwork to get it is extensive and would add additional costs. So we are actually looking at a LEED certifiable building but without going through the paperwork. The geothermal was passed for bids about three or four months ago by four out of the five trustees, the bids are now under review. My guess is that the same four trustees vote to go ahead with the geothermal will have it. Everybody that I've spoken to in the Village is happy with that, even though it's adding some cost to the library. So I think we're getting a level of acceptance which will extend to leaf blowers and pesticides and water and many of the ordinances that we want to put in. I'm very hopeful that we can do it. It's not going to happen in one day. I think its very critical for the CAC to bring this back to the Planning Board and the Village Board and perhaps decide which of those are appropriate, and if those that are appropriate, which come under incentives, which come under legislation.

Patricia Lee: Yale has this whole survey on environmental issues, and it's in your packet. The book you received on the CD came from them and they've also published a result of a survey on environmental issues, and this particular survey was on American support for local action on global warming. The percentages of individuals who are more than willing to see local governments make a move, set down some rule and set standard was really impressive.

Peter Grunthal: Can I make one point about grandfathering that was raised? Whitney made a couple of comments about grandfathering being political death of the current trustees. I think there may be a difference here between the grandfathering abuse, which I understand would be difficult to challenge, but there is a difference between that and the grandfathering the condition of a building. So that if somebody comes to your board for renovation and you would then apply a new set of standards, not to the renovation but to the entire building, and those were the new agreed standards, I'm not sure that grandfathering just wouldn't be a problem at all in that case.

Whitney Singleton: There is any number of things that you can do. You can make things applicable to rebuilding existing buildings that come in for building permits, or you can make it applicable for storm water regulations. These things are going to be applicable to buildings whether they're existing or proposed. You are simply not going to be

allowed to discharge storm water into a sanitary sewer. I don't care if you're building's been there 100 years; it's not going to happen. That's something that's applicable regardless. It doesn't get grandfathered in any way, shape or form. It's a question of what the will is of the constituency of Mount Kisco.

Chairman Cosentino: For instance we have a lot of stores with apartments on the top, they were grandfathered in. There is one on Main Street right now that was vacant for more than a year and for some reason it's rented out now.

Peter Grunthal: That may be what we're looking at now. If there is a store with apartments above it, and that use is grandfathered and it doesn't go vacant but the use continues all the time, and the owner comes to us and says I would like to make such and such a change, not on the usage but in the nature of the building, and that comes to the Planning Board, then if you have a set of green standards, my guess is we could say that if you're going to make any changes at all the entire building has to conform. I agree with you. Eventually buildings are going to crumble and eventually people are going to move in the right direction.

Vice Chairman Sturniolo: My thought was not to eliminate everything that is being grandfathered and go out with a shotgun approach, is just to take a piece of property that's been there a long, long time that has been grandfathered; and if changes are made to the building it still grandfathered, but let the changes reflect the current times and reflect the current environmental concerns that the Village has and not allow the changes just to take place as if the changes took place 75 years ago.

Whitney Singleton: Let me just comment on that. Let's take for example if you have an application like that. If you could have an \$80,000,000 rehab on 333 North Bedford Road, the building would continue to be vacant. When you take 600,000 square feet, and all of a sudden you require anyone that wants to re-occupy that facility to make it green and get LEED certification, that could be such a prohibitive number that it's going to sit there forever, and Mount Kisco or any community could become like a town in upstate New York that is all boarded up. It's a consideration. I absolutely have no fundamental problem with any green construction. It sounds good, and you talk about incentives like they are the light at the end of the rainbow, but Peter knows full well when examining the costs, and when you re-capture your investment, it's not that easy. You're talking about a 40 year recapture on something for just one component of your green construction, that's a tough nut to swallow.

Patricia Lee: Mount Kisco is not Seattle. We don't have the resources, we don't have the constituents. I think we need to sort of set the bar one step at a time. Maybe we don't require LEED certification right out of the box for 333 North Bedford Road, but I think we should go over what our policies are, decide what our next step should be, set up a time frame and move forward, even if we're just taking small steps within 2008.

Doug Hertz: What steps do we want to take to be in this?

Patricia Lee: My first suggestion is let's do an inventory of our policies and ordinances. There were things that Nannette brought up this evening that I don't think the board had before them in terms of available information, so I think we need to start out with an education tool so we know exactly what our baseline is, what our policy is, what our ordinances are, where do we want to go from here.

Peter Grunthal: There are two issues here. One is the inventory. You are absolutely right. The other thing is going to external resources and obtain mission statements in carbon emissions and a lot of the things that go with that; getting those resources in front of us, putting them in front of the CAC or a subcommittee of the CAC, and starting to formalize those into a mission of the things that have to be done to accomplish that and put it in front of the Planning Board and Village Board early next year.

Patricia Lee: How about we decide right now when we should all get together again and what you want from the CAC at that next meeting. What is our next step? Do you want copies from mission statements that other people are doing, something from Westchester County, specifics on ICLEI resources?

Peter Grunthal: I think with the volume of material that the Village Trustees and Planning Board gets, it would be preferable to get a summarized recommendation. We recommend that this be a mission statement, these be the objectives to meet the mission statement. This is the low hanging fruit we go after. Encompass that on two or three pages and have as many appendices as you like. Then you can leave it to your group to take it to the next step so you actually enunciate where you think we should all

be going. During that process, if you want to talk to individual members of the Planning Board on an informal basis so you don't have to wait for a meeting.

Chairman Cosentino: Why don't we appoint Doug Hertz, Stan and Tony. You can report back to me so I know what's going on.

Whitney Singleton: What I would find very helpful is I would like very much to know what communities at the local level have done so I could examine that.

Peter Grunthal: We could get that.

Patricia Lee: Just New York State?

Whitney Singleton: If you're going to examine something on pesticides let's say, to know that the following 16 communities and general code publishers have pesticide ordinances, then I can go look more.

Stanley Bernstein: I think this was a very productive meeting and future meetings will be productive as long as we can get the CAC to work with us; both agencies working together and present everything to the Village Board. Understand that we've all got a lot of work to do. If we all have good hearts and are willing to go forward and do whatever we can, I think it will work.

Patricia Lee: Low hanging fruit is our first objective. Also, I think its great PR. If people know that we are pro-actively going at these issues it can only be a plus.

Chairman Cosentino: Thank you, Ms. Lee. We appreciate it.

**From the Desk of the Assistant Village Manager:**

***Memorandum from Jeffrey Econom to Chairman Cosentino dated November 19, 2007 re Administrative Wetland Permit Buckingham Properties, Morgan Drive, and Lot #3 with attachments. Cover letter from John Dahlgren to the Chairman and Planning Board Members dated November 14, 2007 re Permit to Disturb Sensitive Natural Areas.***

Nanette Bourne: This is simply to allow them to do the water testing that we requested to document whether or not there had been any migration of mercury off this site. In order for them to get equipment in, they have to go through some wetland which requires the permit. This isn't any permanent disturbance; it's just allowing them to bring in the equipment so that they can do the work.

Stanley Bernstein: Mr. Chairman I have a very serious problem with that. I don't think an administrative decision is right for any property much less this property. The Planning Board is constituted as the wetland commission to give permission or to deny a wetlands permit, and we are the only body that should be allowed to do that. The Village Manager or the Assistant Village Manager cannot have that authority. It has to come before this board, and furthermore, we never had a wetlands hearing. We have to have a wetlands hearing and we have to make that decision. I don't want to see this coming down from on high as an administrative decision.

Nanette Bourne: The code has a provision for minor wetland disturbances.

Stanley Bernstein: By what criteria is this minor?

Nanette Bourne: They are not actually disturbing the wetland they are actually going through a buffer, and it is to bring drilling equipment into a buffer not into the wetlands itself. The provision for the minor wetland disturbance is for small instances like this and they need to be decided by the chairman of the Planning Board, Village Manager, there are four people who can be part of that. The applicant made an application for this, it was discussed with four people, and input was requested.

Chairman Cosentino: I was not one of the four people.

Nanette Bourne: We discussed it at the staff meeting.

Chairman Cosentino: But no decision was made.

Nanette Bourne: My recollection of the decision when we discussed it was that Jeff Econom did have some issues, and he requested some changes be made to how they

bring the equipment in that actually lessened the disruption. This was discussed with all four people at our staff meeting two weeks ago.

Stanley Bernstein: I am not so sure I want this done. We never even decided if they're going to do it. We haven't decided what they are going to do.

Nanette Bourne: Absolutely. This is to enable you to make that decision. This is just testing.

Stanley Bernstein: In other words the whole administrative decision was to allow them to bring their equipment in for testing only.

Nanette Bourne: That's right.

Stanley Bernstein: I also don't like the idea of the fragmentation of this project. I think they should go through it as a complete project with a DEIS and we should make the decision as to what should be done.

Nanette Bourne: I think that's where this is headed. According to them, their proposal to come back to you is for them to put the project back together so they're not going to separate it as they had originally done. But in order for them to carry out what you had with the Planning Board that said we want this dirty material be taken off site, but in order for them to answer questions that the Planning Board had as far as how to take it off-site, you would ask them the question, do you know for certain that the mercury that is contained in those basins is on the Buckingham site? Do you know for certain that it hasn't migrated to the Crème site? You wanted to know that information before you made a decision into how the site was going to be remediated, and you asked them to do the testing. That's all this is.

Stanley Bernstein: Are you comfortable with this decision?

Nanette Bourne: Yes. Without letting them do this it's just chasing their tails.

Vice Chairman Sturniolo: I think Stan's point is without letting them do this, but the Planning Board should be the lead on whether they are allowed to do it or not.

Stanley Bernstein: I don't like the administrative wording.

Nanette Bourne: We utilize what is already in the code for minor applications. This doesn't conform to the site plan; it has nothing to do with their site plan. It simply has to do with the soil conditions on the site.

### **Storm Water Management Proposal**

Vice Chairman Sturniolo: I'm perplexed. We got a draft of an ordinance, maybe, with no cover letter, no direction requiring review, comment, action, history? Just 30 pages and no background from the author.

Whitney Singleton: Let me do what I can here. This was put on the Village Board's last agenda last week, and they were advised by the Assistant Village Manager that this needed to be approved ASAP in 2007. I knew that the Village Board would refer to your board for comment and review, and so, even though it was only a couple of days later, I made sure that Jim Palmer was going to refer to your board. I wasn't aware that it was going to come with no introduction. This is a draft ordinance for storm water management local law that has been borrowed from another community and made a little bit more generic. I know Stan is very interested in storm water so I gave him an advance copy; we're going to need to review this on a pretty expedited basis. I know that there are other communities out there, Stan and I discussed this, and they've formed committees to review proposed storm water regulations for the period of a year to two before they actually adopted regulations, and we're being asked to adopt this before the end of the year, and this is the first time you're seeing it. Toward that end, at least we are doing some math today. You will have two meetings before this is put on for a public hearing with the Village Board. It can be tweaked in the future, but the Village Board is required to get this enacted in 2007.

Anthony Oliveri: I believe this is a requirement of New York State DEC Phase II permit requirements for municipal storm water.

Stanley Bernstein: That's true, but in the meantime, they were supposed to have had a preliminary draft, which would have had everything outlined and just would have to be

adopted by December 31, 2006. That's what the DEC Phase II regulations say. It should have been adopted.

Anthony Oliveri: I know Mike Ritchie from our office is working with Jim Palmer with all of Phase II. There is a model law, and for whatever reason the Village decided to use this law.

Whitney Singleton: Do you think you could circulate a copy of the model law?

Vice Chairman Sturniolo: I'm confused; this thing has been festering for a year?

Stanley Bernstein: Two years.

Anthony Oliveri: We'll have to ask Mike when it was in the Village's schedule. There are a number of goals the Village had to meet over the past few years. This is in the last phase; it might have been the last year that it had to become enacted.

Vice Chairman Sturniolo: And now we have a couple of weeks to do it as opposed to twelve months?

Anthony Oliveri: How the time frame worked out, I can't tell you.

(Discussion about document page numbering, printing and inconsistencies in the document)

Nanette Bourne: The problem with this coming from another community is that it uses their terminology that doesn't match our terminology, their definitions of a wetland, not our definitions.

Vice Chairman Sturniolo: So why would we entertain this?

Whitney Singleton: That's why I'm asking Anthony for a copy of the model.

Nanette Bourne: It will become problematic if we try to implement this because there may not be anything wrong with this.

Vice Chairman Sturniolo: But it's not applicable.

Anthony Oliveri: What this law is really addressing are smaller lots. The under one acre lots that are not covered by Phase II General Permit, which the larger sites cover. That's what this is really geared toward, because this really doesn't mention DEC Phase II General Permit at all. It's more dealing with, I think, everything that's not covered under that, in other words, an addition to a house or something on a small scale.

Whitney Singleton: Please comment on the Phase II storm water regulations and how they are going to impact the process here in Mount Kisco.

Anthony Oliveri: It's already enacted. We require storm water pollution prevention plans already, which is part of DEC requirements and also in compliance with DEP.

Vice Chairman Sturniolo: So is this a supplement to the existing?

Anthony Oliveri: Right, that is the way I see it. The DEC regulations cover an acre of disturbance and more.

Stanley Bernstein: According to my understanding of the water Phase II, what this is supposed to be is every municipality must adopt a local law, and DEC gave all municipalities a model law to follow to make changes, etc. This is not the model law.

Anthony Oliveri: DEC requires you to do what is called a Gap Analysis to see how closely it comes to the model law.

Vice Chairman Sturniolo: According to your individual needs?

Anthony Oliveri: Yes, I don't know if it's been done on this.

Vice Chairman Sturniolo: So should we not look at the model law?

Stanley Bernstein: Yes we should, and that model law is a year old.

Vice Chairman Sturniolo: If it's a year old and they had a year to look at it, why not take this out, throw it in the garbage and put the model law in there with the correct terminology that's applicable to Mount Kisco.

Anthony Oliveri: You might actually need both.

Whitney Singleton: The point is regardless of how we got here and what we should ultimately adopt is presently have something that was across the board on a pretty expedited basis. I have asked Stan and Nannette to take a look at it, we've all noticed some shortcomings in here, and I think what we need to do is have a collaborative effort here to see if we can come up with a series of comments and/or wholesale changes to what is being proposed, if necessary.

Vice Chairman Sturniolo: It sounds like proposals are necessary because the terminology doesn't match our terminology and we don't have the model law in front of us.

Nanette Bourne: This was based on the model law. It was another community and it looks as though they took the model law and adapted it to their community and this is a third generation. There just need to be a generation that takes this and adapt it to us.

Vice Chairman Sturniolo: So is this document a little premature in the packet then?

Whitney Singleton: We were at the meeting three business days ago when we were presented the 30 page storm water regulation in the packet for Monday night. I think that the point that needs to be made here is that the issue of storm water drainage is something that your board and your consultants are going to be dealing with on a daily basis. This is going to be a local law passed by the Village Board, but it's going to be a tool utilized by your board and by staff. I think it's important to have substantive review. This is the point I was trying to make earlier on. We can adopt whatever we want; we can pull out any different fertilizer law and adopt it. If we don't know what they mean, if we don't give them the due diligence associated with them, there is no point in adopting them. We're not going to enforce them or implement them.

Doug Hertz: May I recommend then, as our next step, if we have a little time, can we ask that Nanette's office take this document and make suggested revisions so that it will relate to Mount Kisco terminology, and also give us substantive comments about their take on how this law relates to what we're going to do.

Nanette Bourne: There are some obvious things in it that have to be modified but there is time to refine it in 2008. I think we are obligated to get the best possible law based on what we have within the next month.

Whitney Singleton: And we do have another Planning Board meeting between now and the time of this public hearing. So there is an opportunity here. Granted, I acknowledge that a longer period of time might be appropriate, but there is an opportunity to do some substantive review.

Doug Hertz: I'd love to get some input from Nannette and Anthony; someone who is more expert in this than I am.

Whitney Singleton: Do you think that by our staff meeting this week, you could give us some feedback as to what this encompasses, whether or not there are some shortcomings that need to be incorporated from the model law? Your office has done a tremendous number of these regulations for different communities, correct?

Anthony Oliveri: We suggested the model law for most communities. I believe this is quite different from the model law.

Chairman Cosentino: Why don't you get together on this and report back to the board?

***Memorandum from Anthony Russo to Christopher Paul dated November 14, 2007 re Premier Auto***

Vice Chairman Sturniolo: Anthony, are hay bales and silt fencing acceptable?

Anthony Oliveri: Hay bales for inland protection are usually not an acceptable measure. There are some instances where you could use it to shore up the silt fencing.

Nanette Bourne: You don't use hay bales next to the water but you use them at the bottom of the slope.

Anthony Oliveri: They shouldn't use hay bales in lieu of a silt fence.

Stanley Bernstein: Not in lieu of, even at the bottom of the slope. Not according to Storm Water II. You can use a hay bale to reinforce a silt fence only.

Nanette Bourne: Right, so this says both the silt fence and the hay bales at the bottom of the slope.

Letter from Charles Martabano to Chairman Cosentino dated November 15, 2007 re Domino's "No Parking" signs.

Ralph Vigliotti: I have a question of Whitney on this. As you know, I've been opposed to Dominos going into that site, and at this point, the board has moved forward with the site. I was there Wednesday before Thanksgiving in and around lunch time and there wasn't a parking space to be had; the cars were double parked and parked in the stripe zone and Domino's hasn't taken occupancy yet. My question, Whitney, is who can enforce the no-parking zone on private property? We've requested that they add to the striped zone no parking. Who is going to enforce that?

Chairman Cosentino: Whitney while you're thinking about that, I have one better. I was down there the other night; I observed the same thing Ralph saw. There were two cars parked on the stripe from late afternoon until nighttime. I guess they were employees. Since we monitored this, and since we found out it's not working, can we ask for the fire zone stripes? With the fire zone you can write tickets.

Whitney Singleton: You can write tickets either way. If they allow people to park in a no parking zone it is a violation of their site plan. A code enforcement officer can go out and write the property owner with a violation. He is violating his site plan. Alternatively, if you had something that was enforceable under the V & T Law, the police could write tickets.

Chairman Cosentino: The police won't touch it unless it's a fire.

Ralph Vigliotti: That would have to be a fire zone to get in there with the amount of double parking and illegal parking that's taking place there. If that were a fire zone it would be enforceable.

Whitney Singleton: In order for a fire zone to be enforceable there has to be a minimum number of stores.

Ralph Vigliotti: Perhaps they can be handicapped parking areas, which are enforceable by the police department. We know they've complied with everything we've asked them, they also got the go-ahead on Domino's but we know the reality of the situation. Trucks, if there is a fire, are not going to be able to get in there. They're going to be parking there no matter what we say. Code enforcers are gone at 4:58 in the afternoon, they are not there on weekends; and we are kidding ourselves, and we've asked them to spend a few more dollars for the sake of putting no parking signs, and we know it's not enforceable.

Whitney Singleton: It is enforceable.

Ralph Vigliotti: It's enforceable from 9 A.M. until 5 P.M. We have difficulty of enforcing dozens and dozens of other things that are going on in the Village by the Building Department. It's a difficult task, without any question. We have police 24/7, and we can ensure that there is ingress and egress for fire apparatus; you can't get in there.

Whitney Singleton: I will ascertain under the vehicle and traffic law whether a fire lane could be posted on this site and enforceable by our local police and get back to you.

Ralph Vigliotti: I think people take that much more seriously.

Chairman Cosentino: The problem is what we told the property owner is not working.

Ralph Vigliotti: This is really a problem.

Whitney Singleton: It's always been a problem. It's less of a problem now than it was in the past.

(Discussion of calendar dates - Chairman Cosentino will contact Nancy and discuss dates)

**Adoption of Rules and Procedures**

Approval of Rules and Regulations:

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

**Ordinance:**

Doug Hertz: I am recusing myself because this ordinance in which the Village Board has asked the Planning Board input directly is next to property that I own.

Whitney Singleton: You don't have it immediately before you, and I don't know why it didn't get in the package, but there is a proposal that the Village Board asked me to draft that involves right now under Chapter 93 of the Village Code governing driveways and curb cuts. There is a limitation under all circumstances that there only is one driveway per residential lot. There is a proposal to allow under certain circumstances a second driveway. In order to meet the second driveway, and I'm going from memory here, you would have to meet certain criteria, namely that your lot is least double all of the applicable regulations so that it could be fully subdivided.

Chairman Cosentino: That makes sense.

Whitney Singleton: It has to be a corner lot or a double corner lot. This is only applicable for corner and double corner lots which have two front yards and two side yards. It would also require that each driveway be a minimum of 50 feet from any intersecting street, at least 50 feet from the other driveway, at least 20 feet from any adjoining property line.

Chairman Cosentino: If you have a house, 50 x 100 feet, and you have another lot next door, 50 x 150, and you want to subdivide that, could you put another driveway in?

Whitney Singleton: No. You have to have at least doubled the lot. You said you want to subdivide it.

Chairman Cosentino: So that means that if I have two lots, I no longer have two lots now?

Whitney Singleton: Right. One of the intended by-products of this is that it would discourage subdivision of oversized lots. Let me take a hypothetical law, that as a pre-existing home owner on a very large parcel, where theoretically you could subdivide it and squeeze in another house, but it would detract from the character of the neighborhood. So you keep a lot that could be subdivided into two or three lots as one lot, but you allow them to have a secondary means of ingress and egress through an additional driveway. You would have to meet all these requirements throughout the entire length of time.

Chairman Cosentino: So the person who has a double lot can build another house...

Whitney Singleton: And wants to forego the subdivision of that lot.

Chairman Cosentino: He wants to put a subdivision in but the little guy who has a small lot next door can't do it.

Whitney Singleton: You would have to meet the requirements.

Chairman Cosentino: I don't like the requirements.

Whitney Singleton: You don't like the requirements of making sure that you have to have at least doubled the lot size?

Chairman Cosentino: What if I own a piece of property now that has another lot on it. I can't build on the other lot.

Whitney Singleton: Of course you can build on the other lot, but you can't have one lot with two driveways and another lot with one. (Referring to document) What's bolded is a change from the original draft. Everything in here that's underlined is a change. What's bolded is the most recent change.

Chairman Cosentino: Okay, I have a lot 100 x 150. I want to subdivide this lot. Now I have 50 x 150 which is a legal lot, and I want to build another house here. Can I have a driveway?

Whitney Singleton: Of course, you have to have a driveway.

Chairman Cosentino: Okay, so I can subdivide that lot?

Whitney Singleton: What I'm saying is if you had this house and a driveway here, and you wanted to put in a driveway here and you made it at least 50 feet from each intersection...

Chairman Cosentino: I thought you couldn't subdivide your 100 x 150.

Whitney Singleton: No. by putting in this driveway, it eliminates or certainly curtails your ability to subdivide in that you would have to eliminate that driveway. It's like if you have two compliant lots, and you build a house in the middle...

Chairman Cosentino: You have a corner lot, you have a potential of building another house. You're idea is to put another curb cut in there now?

Doug Hertz: We would forego the subdivision.

Chairman Cosentino: And you want that second driveway?

Ralph Vigliotti: But if at any time you or another owner chooses, they could go ahead and subdivide the driveway.

Chairman Cosentino: No.

Ralph Vigliotti: Yes. That's correct. Does this preclude circular driveways now in the Village? Sounds like it does.

Whitney Singleton: It's not going to preclude the circular. First of all each driveway has to come out into a separate street.

Ralph Vigliotti: So circular driveways would still be permissible under the law.

Whitney Singleton: Correct.

Ralph Vigliotti: You could count the number of houses that are corner properties that fall into this.

Whitney Singleton: To equal air time for different causes, the countervailing view that's been espoused is the proliferation of impervious surface by having multiple driveways.

Ralph Vigliotti: It doesn't have to be asphalt, it could be something else, gravel, lined with cobblestone.

Chairman Cosentino: So let the Village Board know that we don't have a problem with it.

Vice Chairman Sturniolo: Do we need to formally vote?

Ralph Vigliotti: This is how you presented it to us.

Whitney Singleton: There is a copy of the law right there

Chairman Cosentino: We don't have to vote on this, right?

Whitney Singleton: Well if you want me to make recommendation to the board.

Chairman Cosentino: Yes, we don't have a problem with it.

Ralph Vigliotti: Should we, when looking at this, looking at the widths of the driveway.

Whitney Singleton: The driveway cannot be less than 10 feet, no more than 20.

**Motion that the Planning Board communicate to the Village Board of Trustees via the Village Manager that we have no opposition at all to the proposed change to the proposal as presented to us to Chapter 93 of the Village Code and highlighted in a memorandum from the Village Manager to the Planning Board dated November 20, 2007.**

Motion: Vice Chairman Sturniolo  
Second: Ralph Vigliotti

Aye: Sol Gibbons  
Aye: Ralph Vigliotti  
Aye: Stanley Bernstein  
Aye: Vice Chairman Anthony Sturniolo  
Aye: Chairman Joseph Cosentino

**Motion to Adjourn:**

Motion: Ralph Vigliotti  
Second: Sol Gibbons  
All Aye

Meeting adjourned at 10:30 P.M.

Respectfully Submitted By,

Stanley Bernstein  
Board Secretary

dm