

**Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, December 11, 2007**

Meeting called to order at 7:55 P.M. Tuesday, December 11, 2007, at the Municipal Building Mount Kisco, New York.

Members Present: **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:

Tuesday, October 11, 2007

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

Tuesday, October 30, 2007

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

Formal Applications:

Northern Westchester Hospital Center
400 Main Street
PB2003-02C

Present: **John Partenza, Northern Westchester Hospital**
 Michael Caruso, Northern Westchester Hospital
 Robert Buckley, Project Executive, Turner
 Construction
 Steven Doherty, Principal, the SLAM Collaborative

Nanette Bourne: The applicant has submitted their formal application for the extension of the Emergency Department. They submitted an expanded Environmental Assessment along with the application for the project and the Application for Disturbance of Natural Resources. They had briefed the Planning Board as to what their proposal is. This included a withdrawal of their original Master Plan and the project being replaced by the Emergency Department. There are three memos concerning a review of the project; one from my office, one from Jeff Econom and one from Anthony Oliveri. There are some overall questions that I think are common to all three, as well as a decision that you can make tonight about declaring your intent to be Lead Agency, just to get the sequence started. If you look at all three you will see there is a theme, and that really concerns two issues; one concerning the zoning compliance and whether or not it complies with all of the aspect of all of the requirements that together require the zoning ordinance for a site plan application. A second concern is parking and trying to decipher what the existing parking supply is and where. Related to that is what is the demand and how does the supply meet the existing demand as a baseline, so that there could be a determination by the Planning Board what the future demand is. Given the fact that

they are going to be replacing existing parking with emergency parking and at some point in the future providing construction for a parking structure, whether or not there will be adequate parking on the site. Those are two very general but complex issues that are very difficult to decipher from here. In speaking with the applicant's site engineer, I understand that a new parking consultant has been brought to the team, and we don't have the benefit of a parking analysis from your parking consultant.

John Partenza: Yes, and that will be provided.

Chairman Cosentino: The parking is big.

John Partenza: I understand that.

Chairman Cosentino: Zoning is another.

John Partenza: That kind of escapes me. What is the issue there?

Nanette Bourne: If you look in the requirement for site plan approvals, there are a number of requirements that must be included. You address many of them, but basic zoning compliance charts isn't included, so it's very difficult just to determine whether or not your setbacks are met and all of the items that are included in zoning.

John Partenza: That can be addressed by one of our professionals providing a zoning compliance chart?

Nanette Bourne: Right. It's standard information that's required on the site plan. That is important because it informs us whether or not you currently meet the setback and buffer requirements.

Steven Doherty: There is a zoning compliance chart.

Nanette Bourne: Where? Required, existing and what's proposed is what's needed.

John Partenza: We can work out the details with Nannette's office as far as the additional information they may need in that chart.

Steven Doherty: The sheet is C-201.

Whitney Singleton: I think there are a couple of more columns that need to go in. As long as we're on the issue of the zoning, I think the Assistant Village Manager has raised an issue with regard to what the applicable setbacks are for this site. Since all of your buildings are attached, the questions become what is the height of your buildings? The setbacks in the zone are a function of how tall the building is, and you have setbacks of 30 feet shown in your plan, but you're saying the building is less than 48 feet high, and the Assistant Village Manager is taking a different analysis of that.

Steven Doherty: The addition that we're adding on to the south side is less than 48, so we based our zoning chart on the proposed addition.

Nanette Bourne: Was there information in here concerning the height of the parking structure?

Steven Doherty: No.

John Partenza: We didn't get into too much detail. I think our plan was to go with the parking structure, show where it would go, what it would look like and then size it at that point in time based on the need at that point in time. I think it would be a little presumptuous to say it was three or four stories today, but I think we're certainly putting in a footprint.

Whitney Singleton: Item #4 in the memo you received tonight raises some issues as to the setback.

Chairman Cosentino: Also there was a memo regarding construction during parking. You were going to come back and let us know.

John Partenza: As far as parking, I think for tonight if I could talk generally, we alluded to our plan being temporary off-site parking in Mount Kisco. We spoke to the owner of the property on Friday. He's comfortable, he's allowed to do it, out of Mount Kisco, Reader's Digest, and I will write this in a letter in the next few days. We're trying to

enter into a non-binding letter of intent and soon follow leases for both 25,000 square feet of space which would occupy some existing hospital services, and allow us to park 20 cars off-site during construction and jitney the employees back and forth. It would be for employees. He apparently has the ability to do that, so our agreement would be not only for spots but also for the van service back and forth. He's comfortable, it's allowed in the town, and my conversation with him was that Tuesday night at our Planning Board meeting I was going to go public with this, and our lawyer is drafting these documents, so from our perspective we're going forward with that.

Chairman Cosentino: Also, the construction site. You're going to have probably 100 people working on the site and you need to provide parking for that.

John Partenza: I don't want to speak for everyone tonight. I don't know how much detail we'll get into tonight. Our thinking was this would allow our parking consultants to figure out during the staging of construction how many cars we'd lose and how much that could pick up.

Chairman Cosentino: We don't want any side street parking.

John Partenza: We don't want that either. It would be mandatory parking for employees and that will fit into our plan. That was the missing piece to say that's how we are going to solve it. Compounded somewhat by the loss of the church, which I was hoping we could get back on track from a practical perspective, and I am being led to understand it can't be part of our counts, which is something new to me. We've always had that in our counts.

Chairman Cosentino: Unfortunately, it can't be part of the count.

John Partenza: It solves the practical problem in that there is 47 more cars being parked there and not in Chappaqua.

Nanette Bourne: Mr. Chairman, when you say it can't be part of the count; they can't be part of the count if they don't have an agreement.

Whitney Singleton: The agreement would have to be more than six months.

John Partenza: In all of this is a practical problem. I don't want to lose that spot, so it's to our best interest that the town and the church come to a mutual understanding. I don't know what our role really is, although we have a vested interest in this. We will do whatever we can to make it happen but I can't speak for them, I certainly can't speak for you.

Chairman Cosentino: It could be part of the count if it's a long term lease. Maybe you might get more than 47 spots.

John Partenza: I think that's all they have, because they run a day care, and I've been down this road once with them many years ago. It keeps going between 47 and 45; I think we actually pay for 45. Again, our plan is off-site, during construction 120 spots and possibly after depending on how this works out and how soon the parking garage would come on line. Again, Walker and Turner would basically show the phasing of the parking, the counts and where they would be during each phase of the construction, during this process, would be our expectation.

Stanley Bernstein: There was one item on Jeff's memo. It might behoove us to ask for some sort of an analysis for these jitney buses and how it will affect traffic coming into the Village, especially during the early morning rush hours.

John Partenza: The trade off there, Mr. Bernstein would be that 120 cars would not be coming into Mount Kisco. We are also moving 25,000 square feet of real hospital service today out of the town further south. It makes sense for our patients and doctors. Hopefully that will be a good thing, and a separate agreement will have this off-site parking for 24 months.

Chairman Cosentino: Let's go to Ashley's memo.

Nanette Bourne: This somewhat ties into the concept of the "master plan". We understand that you formally withdrew your master plan and if it's correct to say that what you're proposing right now, Emergency Department, and moving your square footage off-site and the parking structure, is it in essence your revised "master plan"?

John Partenza: That's our plan. Our plans in the foreseeable future are the ER, parking garage and internal renovation of in-patient spaces. That's our plans for the Mount Kisco campus. If you want to determine and say a revised Master Plan, we're not using that terminology anymore. Our Master Plan is withdrawn, but what we believe the community to need is a new ER, regardless what the Planning Board says, our board and administrators there feel parking is a problem and we want a garage.

Chairman Cosentino: Wouldn't you rather have it as a modified Master Plan?

Nanette Bourne: The point that I'd like to make is that regardless of this just being the Emergency Department Expansion, we are going to be looking at the entire site because we have to make sure they all function. It's not just the Emergency Department. We will be looking at your access, internal circulation, parking; whether or not it has to work. So it's not just parking for your Emergency Room, but what you do to reorganize and reorient parking, which has to work for your entire site. Along with that has to do with landscaping, how you treat your edge conditions, the old Master Plan had proposed several, what I would consider, significant improvements, in the way that you treat your edges more.

John Partenza: Our old Master Plan took almost an acre of impervious surface alone.

Nanette Bourne: Right, so I noticed in your proposed plans your landscaping is oriented just around the ER. If you in fact are short in the buffer that is required by zoning and I think you are, you're supposed to have 20 feet or more from Main Street and Moore, and you're short that. What happens is when you look at the campus from those edges; you see the big vast expansive parking. There is a way to soften that by putting more campus and making it less harsh. I think there needs to be some landscape treatment better applied to the entire site. You have one 60" maple that is coming down.

John Partenza: If it's coming down that's only because it's dying. You've seen our campus, we are planting trees.

Nanette Bourne: You'll have to identify the trees that are coming down and they will have to be replaced and improving what's along your edges and how the campus is viewed from all four views.

John Partenza: I understand what you're saying. I think we have a practical problem. The ER is a time limited thing for us to be able to do it. From a financial perspective, the clock is ticking. That's why I think we definitely should be clear on the Master Plan and the ER approval. I think its part of the parking structure, part of setbacks and treatments, buffer, I think we can certainly talk about that. I don't know if tying whatever you're contemplating along the ER is really appropriate at this time.

Chairman Cosentino: But it has to be part of it.

John Partenza: My only concern there is that I don't want to lose any more spaces. If we're talking about screening greenery, we'll do it. I'd like to do it right, I'd like to do it when we do the parking garage.

Chairman Cosentino: But as Nannette says, you need to take the site plan as whole, because this is the only change you're going to get.

John Partenza: I guess I'm not understanding. Are you talking about removing parking spots?

Nanette Bourne: I think your landscape architect should look at the site, because the board is going to be looking at the whole site, and we don't know at this point whether or not you do have buffers that don't meet zoning requirements. You will be required to meet the zoning and if you don't you'll have to take other avenues.

John Partenza: You caught me off guard about it. We don't need zoning right now as far as setbacks. In all our Master Plan presentations, we always had the current campus, the setbacks, the current zoning proposed. I don't ever remember it ever falling out in any of those discussions and presentations. I have to believe we're finished. We're talking about putting treatments, green shrubbery between where it exists now. I don't think that's a problem. I think it becomes problematic if we have to take rows of cars away and we just take parking away; that's up to them.

Chairman Cosentino: I don't think we want to take parking away.

John Partenza: Again, that's not a problem. If we are just talking about today, the current foot print of the campus, I don't think that's a problem at all. In fairness to us, that was always our desire. I am focused on the Emergency Room now because of outside constraints I have.

Nanette Bourne: And then the issue of the parking structure. Your submission including parking structure study and nailing down where that comes in your development, how long are you proposing to use the valet parking and is it a real project that is going to be incorporated into your future plans?

Anthony Oliveri: I think the site plan that gets approved has to have a parking structure on it. The site plan that was submitted had a surface park with a study for a structure. Everything has to be integrated with the structure; the drainage, circulation around the garage, which needs to be on the site plan.

John Partenza: So our site plan approval would be both for the ER and the garage?

Michael Caruso: The infrastructure for the garage, the design?

Anthony Oliveri: It has to be integrated with the site plan. The final site plan has to be with the garage.

Michael Caruso: Can we bold it out as when we put the project out to bid if a potential bidder is going to look and see the parking structure; obviously our number is going to go up by at least \$10,000,000.

Anthony Oliveri: You can phase it. The site plan that gets approved by the board has to have a parking structure. Not surface parking with a study for a garage.

Stanley Bernstein: The parking structure has to be a little more than just a foot print. If the 48,000 square feet is surface parking there is a way to overcome the impervious surface. As a structure, there is no way to overcome the impervious surface.

John Partenza: We're putting a green roof on it, and that will handle some of that storm water.

Stanley Bernstein: It would be nice to have that as part of the site plan. That you know that this is what you're going to do, maybe its phased two years from now, but we know what you're going to do and we have a semblance of what it will look like. We could do some kind of a conceptual.

Steven Doherty: Just as a clarification, the green roof is going on the ER addition, not on the parking garage.

John Partenza: Yes, but right now its impervious surface, we're putting an ER on top of it with a green roof.

Stanley Bernstein: To off-set what you're losing on the parking structure?

John Partenza: I think that just speaks to what I said about Joel's thinking of the world. He wanted a green roof on there.

Stanley Bernstein: That's fine. We're working on a way right now to incorporate green buildings in everything that's being done in Mount Kisco and if you can help, that would be a wonderful thing.

John Partenza: We are a unique organization. We feel that's part of our role to lead that way. We will be going green with our energy in a year or two, but I think I understand about the parking structure.

Chairman Cosentino: Is there anything else on Ashley's memo? Let's go to Anthony's.

Anthony Oliveri: I detailed a lot of technical stuff, steep slopes, sediment road control, and what you have to do with the sediment erosion control is integrate that with the phasing plan, and you can have an overall erosion control plan. You have this phasing plan, and you've got to phase the erosion control plan. On the photo metrics plan, I couldn't read that. The illumination level was very small. There were a number of things on the steep slopes, you need to show compliance with the code, exhausting other alternatives in terms of cutting into steep slopes, and the retaining wall proposal needs more detail. The storm water pollution prevention plan: You need to do more in terms

of discussion how you're complying with that redevelopment chapter of DEC's design in terms of itemizing the impervious areas and the pervious areas and they talk about that applying to areas that are re-developed. You are expanding into areas that never were impervious areas, like the loop road in the back. And you're providing for detention there, but there are a number of calculations that have to be done, so you need to demonstrate that. These things are all in my memo for your review. A lot of technical stuff, and there is some legal data that was missing in terms of site plan approval, surrounding property, that type of thing.

Whitney Singleton: If I could just reiterate what Nannette already said. I think you need to look very carefully at the zoning compliance before we go too far down this particular path. Included in that would be the parking requirements, so that your board knows what is going to be required at each stage of the project. Right now I don't know that we have a full understanding of the existing parking during construction, when and to what extent there is going to a parking structure, those are all things the board is going to have to have numbers in front of them to determine a degree of comfort with these things. If we don't resolve that issue, it will continue to be a lingering issue for your board.

Nanette Bourne: Do you want to go ahead with SEQRA to be Lead Agency?

Whitney Singleton: I just want to make sure the Zoning Board is listed as notified

Motion To Declare A Notice Of Intent To Become Lead Agency And Notify All Involved Agencies Of The Decision

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

Nanette Bourne: What you may want to consider next is sitting down with the applicant and going over these zoning issues at a staff meeting.

John Partenza: How would you like us to coordinate that?

Nanette Bourne: There is a staff meeting on Thursday and we can get some dates for you. You will be before the Planning Board next in January, so I will get these dates on Thursday and contact you.

Steven Doherty: Are we okay to submit an application to go in front of the Architectural Review Board at this point?

Nanette Bourne: There are two pieces that have to go before the ARB. One is your Emergency Room, which may be mature enough to start. Your parking structure, which we've talked about, and it's a critical piece of your architecture, is not ready. I don't know if they need to see both at the same time.

Whitney Singleton: I don't know if the process with the ARB is going to be that lengthy in comparison with the process of this board, in that there is any added benefit in you going there too early. The only problem is what happens if you have an approval and there is a component that changes by a site plan change?

Nanette Bourne: It's very important to put a face on that parking structure.

From the Desk of the Village Manager:

Memorandum from James Palmer, Village Manager to the Planning Board dated November 26, 2007 re Storm water Management Proposed Local Law

Whitney Singleton: Let me just apologize. You had the wrong proposed legislation submitted in your package. What was submitted in your package was what another community did unrelated to what we needed to do here. I don't know how it really ever got to you in this form, but Anthony and I had a meeting with Mike Ritchie from his office and Jeff Econom and Jim Palmer, and what we are going to do by January 8, and what we are required to do by state law by January 8 is adopt storm water regulations

consistent with the New York State model. We are not going to modify them in any way, shape or form, we're simply going to put them in the appropriate section of our codes, and if we want to either go back and tweak those or have a storm water committee or whatever we want to do, we can do that at a later point in time. All we are going to do is adopt verbatim the model laws that were produced by the State of New York. That will get incorporated into our code. I don't know the exact sections right now, but unfortunately, although we asked for the model law to be forwarded to you, and I know that Stan spent some time going through it only to discover it was the same one as last time, the Village needs to get this thing done by January 8. I presume that your board has no objection to adopting the model of regulations that have been set forth by the State of New York.

Anthony Oliveri: What the model law does is just require applicants to follow DEC's current regulations, and that's the enhanced regulations for the East of Hudson region. What the other law will do eventually is cover other smaller sites that aren't covered by the DEC, which are more tailored to the larger sites.

Vice Chairman Sturniolo: At the last meeting when we looked at this proposal there was a question that some of the terminology is not the same terminology that we use. Is that still the case here, or is that terminology going to be changed?

Anthony Oliveri: I believe the model law will be self-contained and have its own list of definitions as pertaining to that section. This law will have to be checked for conflicts with definitions.

Whitney Singleton: This will not be a provision which will get inserted within Chapter 110 regarding zoning. This will constitute two new chapters to the Village code. It's nothing more than what the State is requiring. The only difference, and the reason its being put in our code, is because the State wants all of this implemented, but they don't want to be the ones to implement it. They are making us do it. So they are basically saying here is the minimum of what you have to do, and go do it. They are not giving us the expression. According to the recommendations that we received from Mike from Anthony's office who is pretty astute in this area, was that you adopt all the regulations and if you want to change it after that you can. The only way to assure compliance with the State Mandate is to adopt the regulations that they sent to every single community in the State of New York. I assume that your board has no objection with that, although it's not going to go in the Zoning Ordinance. It's not technically required to go to your board, but I'm sure the Village Board would like your blessing on that.

Motion To Convey To The Village Board Planning Board Endorsement Of Adopting State Model Regulations:

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

Whitney Singleton: If Stan and anyone else on the board would like to work on tweaking those regulations at a later point in time, myself and Anthony would be happy to work with you and maybe see what other communities have done.

From the Desk of the Assistant Village Manager:

Interim Remedial Measure Work Plan for Rose Cleaners, 500 Lexington Avenue dated October 20, 2007 prepared for NYSDEC prepared by Berninger Environmental, Inc.

Nanette Bourne: In your packet is an important study report on Rose Cleaners. This was something that was reported to the Village probably a year ago. The EPA had been notified that there had been a spill and the Village was notified and EPA was doing what it needed to do. As part of the Crème analysis, you had asked that the water in the Kisco River, upstream and downstream, be tested, and it was. A surprise PERC was found, so we were able to connect that PERC in the Kisco river is likely something that is originating from the Rose Cleaners spill. What we recommend, and we're still trying to formulate how we go about doing this, is it seems as though the Village should take action to make sure the DEC knows that this PERC has been found in the water in the Kisco River. We don't think it's anything related to the Buckingham or the Crème site, because there was no PERC found on either of those two sites. It is most likely related to the Rose Cleaners site. DEC should be notified of this.

Vice Chairman Sturniolo: If the Village knew this a year ago, how come they didn't notify DEC?

Nanette Bourne: DEC should be notified that the Village did some testing in the river and found high levels of PERC.

Vice Chairman Sturniolo: I agree with you on that statement. The Village was notified by DEC about a year ago?

Nanette Bourne: No, EPA, that there was a spill at the Rose Cleaners.

Vice Chairman Sturniolo: And what was the Village supposed to have done during this interim.

Nanette Bourne: Nothing. EPA has been monitoring it, and that report that's in there is its findings. It's not the Village's responsibility, it's EPA's responsibility. What we can't tell from this EPA report is whether or not they are aware that there are some downstream impacts.

Vice Chairman Sturniolo: That we discovered during the review process of Crème/Buckingham?

Stanley Bernstein: The agency who should be concerned with that should be the city. It's their water.

Nanette Bourne: Right and the DEC actually would notify DEP or if you notify DEP they would notify DEC. But it seems important that the Village makes sure that all the necessary agencies are notified that there was this PERC detected in the river and to make sure that any indoor air monitoring of sensitive receptors like day care centers have been notified and make sure the air quality is monitored so that there are no adverse impacts on sensitive people.

Whitney Singleton: As a result of the contaminants of the water?

Nanette Bourne: As a result of the spill at Rose Cleaners. We don't know how far, if it left Rose Cleaners and it's down the river. We know that it's in the river.

Chairman Cosentino: Is Rose Cleaners responsible for the clean up?

Nanette Bourne: Yes.

Whitney Singleton: We were notified of this a year ago? Were you aware of it?

Nanette Bourne: No. I inquired as of Austin. Austin said he had been notified, but there wasn't any dissemination, there wasn't anything for the Village to do. EPA notified the Village that there was a spill.

Vice Chairman Sturniolo: There wasn't anything else for the Village to do other than Austin letting the Village Manager know that he received this correspondence from the EPA?

Nanette Bourne: I don't know.

Doug Hertz: So Rose Cleaners has no obligation to tell the Village, they just have to tell the EPA?

Nanette Bourne: I don't know if Rose Cleaners notified EPA or who identified the spill.

Whitney Singleton: I presume the remediation is going to be either potentially in the bed of the river or certainly in proximity to it. And then we're going to have issues whether or not local permitting is necessary under this remediation plan. Is this chemical currently permitted in the dry cleaning process?

Chairman Cosentino: I don't think PERC is permitted.

Nanette Bourne: I don't know if it's used and just has to be contained and permitted. Those dry cleaners that they are environmentally friendly.

Correspondence:

Memorandum from Vice Chairman Sturniolo to the Mount Kisco Planning Board dated November 30, 2007 re Westchester Municipal Planning Federation Training

Chairman Cosentino: You said you were going to give us a training course.

Nanette Bourne: We submitted a proposal to the Village Manager and haven't heard anything yet.

Chairman Cosentino: Well, I'm going to have to push it through then because we need it.

Discussion re 2008 Planning Board Meeting Calendar

Motion to Accept 2008 Planning Board Calendar with Submission Dates

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

Vice Chairman Sturniolo: We need to discuss what proposed changes the Planning Board would like to see to the Village Code.

Chairman Cosentino: I'd like to add the parking regulation. You take something like Le Parc, where there are approximately 45 parking spaces and something of a greater use comes in other than the restaurant; we want to be able to judge it, if we feel that you need 60 parking spaces and not the 45. In other words, not a move in and a move out.

Whitney Singleton: You're saying what you think there is a potential for increase in parking for a site, you want the discretion and the authority to say yes or no.

Chairman Cosentino: That's right. Take for instance, Q, that's going to be moving in there, I think they are going to do a bigger business than the Chinese restaurant, yet we have to abide by what the parking was there before. I don't think that's right. I think we have to change that.

Whitney Singleton: The question the mechanism by which we change it. We've been having discussions on this for awhile in that regard. I do think we need to propose a modification to protect the Village from an exacerbation of certain problem sites. I think we actually have a running list on this that we need to sit down and go through.

Chairman Cosentino: Let's put the running list on the next agenda.

Nanette Bourne: On that, we did a memo and we surveyed the way other communities in Westchester and outside of Westchester handled the same issue.

Chairman Cosentino: Does anyone else have anything else for the list?

Vice Chairman Sturniolo: Yes. We're faced with 222 Main Street, Mercedes Benz prep center, Park Plaza.

Whitney Singleton: The Greek Restaurant.

Stanley Bernstein: I thought it was corrected.

Ralph Vigliotti: If you're looking at seating in restaurants, there is a seating problem at the Diner.

Whitney Singleton: When you approved whatever they did there was part of the seating plan.

Ralph Vigliotti: Whether they conformed to it or added a few more tables, I don't know.

Nanette Bourne: Is this a code issue or a code compliance issue?

Whitney Singleton: I think it's a code issue to make sure that there is some review before you get into a situation which is a problem. And if you take it for part and parcel, for example, their current plans do not match their original plans as far as parking. There's been a relocation of a dumpster there's been a shift in handicapped spaces, there has been a lot of things that have gone with that site, which goes back to that topic of the site just morphing into something else. Without that controlling piece, it's going to continue to happen, and what was once a self storage place is now going to be a fast food restaurant under the guise of being grandfathered.

Chairman Cosentino: Okay, put it on for the next agenda.

Motion to adjourn:

Motion: Ralph Vigliotti
Second: Doug Hertz
Board All Ayes

Meeting adjourned at 9:00 P.M.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary

dm