

Minutes
Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday June 12, 2007

Meeting called to order at 7:50 pm, Tuesday June 12, 2007 at the Municipal Building
Mount Kisco, New York.

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

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

Minutes, March 13, 2007 Motion: **Stanley Bernstein**
 Second: Doug Hertz
 Abstain: Vice Chairman Sturniolo
 Aye: Stanley Bernstein
 Aye: Doug Hertz
 Aye: Sol Gibbons
 Aye: Joseph Morreale
 Aye: Ralph Vigliotti
 Aye: Chairman Cosentino

Minutes March 27, 2007 Motion: **Stanley Bernstein**
 Second: Ralph Vigliotti
 Abstain: Vice Chairman Sturniolo
 Aye: Doug Hertz
 Aye: Sol Gibbons
 Aye: Joseph Morreale
 Aye: Stanley Bernstein
 Aye: Ralph Vigliotti
 Aye: Chairman Cosentino

Conceptual Application
134 Main Street
Application No: PB2007-06

Members Present: **Isidoro Albanese**
 Clifford Munz, Architect, Munz Associates

Chairman Cosentino: First thing on our agenda is a Conceptual Application for 134 Main Street, Isidoro Albanese. Understand this is conceptual; you are going to tell us what you want to do so we'll let you have the floor right now.

Clifford Munz: Presently on the property at 134 East Main Street is a former repair garage up there. They are building it there now for about 1500 square feet...

Chairman Cosentino: Excuse me, one thing. On your application, before I forget so I can enter it into the minutes. You have a current land use as a gas station. That's incorrect. The former use was a gas station; so let the minutes reflect that.

Clifford Munz: Presently the building that is still there was a gas station and what we're proposing is to put in a retail building of 3,800 square feet, and to demolish the gas station itself, have the building up on East Main Street. It will handle anywhere between one and three retail spaces. We have a conceptual view of the front which will show that there are three separate storefronts, if you will, that could either work separately or combined. For 3800 square feet we need the 19 spaces. We do get 19 parking spaces; we get one loading bay we're looking for. We're also proposing to take the property... to take the building itself ...this is Piero's, I believe, the restaurant that is here. We're going to butt next to the restaurant, but we're going to hold back since the side yard is either 6 feet or nothing, we going to hold back 8 feet plus another 8 feet and create a little open spot in here, which will give us the ability, although it's not seating or anything...

and that's deliberate... for people to meander from the movie theatre to widen up this avenue; this little avenue going on down this way, and to give the ability to actually, while people are waiting for movies...to be able to look into the display windows here and here as well as display windows in here. There are actually two entrances to it: the main entrance in the front and a secondary entrance from the rear. There is no traffic by getting into the access to the lot from the front any longer; it's all off the Blackeby lot. Not only that, we have one existing parking space, this one, and we're offering to close up the curb cuts and then offering to give back one, two, three, potentially four spaces there. In the back portion here, in order to get in and out; there is an existing in and out area right now. In order to make a nice sweep over here, what I'm asking is that I would take one... there are four spots here, I would take one away so that I would have three here and I could make a turn. We also have covered most of the questions that had come up we were addressing. We were talking about the parking. We were also talking about we have a place for snow removal, snow storage, if that were to happen. If there's a fence... there's an opaque fence coming down here, and the fence is going to be gone. So again, there is another illusion of a little bit of wideness going on. Not to mention the fact that there are... we have the trees and existing lampposts in through here, which is nice, because the ambient light is going to help bring up the foot candles that we need for the parking lot, so that our parking will not need as much light as perhaps something that was totally isolated. So the idea is to be compatible with the rest of the area. The lights would match the Blackeby lights to begin with. We had a meeting with the DEP; we've spoken to them already. In this case here, just simple drainage, nothing more than a catch basin. Blackeby. Nothing more than a catch basin with an oil-water separator, and our connection would be to the Blackeby system.

Chairman Cosentino: Also an improvement, what you're bringing in, I've got to say that.

Clifford Munz: That is it in the nutshell.

Chairman Cosentino: Does anyone here want to add, delete?

Vice Chairman Sturniolo: I have a question. You mentioned the gasoline tanks have been removed.

Clifford Munz: Yes, they're gone.

Vice Chairman Sturniolo: Could you show us some documentation?

Clifford Munz: The documentation Mr. Albanese will have upon his closing, and which we have to present to DEP anyway, is the compliance saying the property is clean, the property has been tested, and the fact that he has five test wells on the property presently that are tested, I think, monthly, and are proven to be 75% less since the first time they have been tested. There has been no contamination.

Isidoro Albanese: Actually it's more now. Most of the wells are clean except for one that is at a certain level, which is at a level where they can close the site now, so we're waiting to close it.

Chairman Cosentino: But you have documentation to that effect?

Isidoro Albanese: Yes, I can give you the page one, the page two, etc.

Clifford Munz: Additionally, let me explain also... back in through here, being that there is no fence any longer, what we have is simple guard rail going here to prevent any cars from bumping through, but not to have any visual obstruction. A little more planting going on, and we have also taken into effect coming down from here to here is a great little avenue, a very small slope. It's a great avenue for skateboards. So what we have is either a set of statue pedestals or something of that nature, to sort of break it up and make it tougher for skateboards to head up and down on. We really thought about it, and we've got the building lining up in here. We've got about ten feet of sidewalk here now, which is fine, and as a matter of fact, we walked around the Village of Mount Kisco, and there are... if you go around where the Bank of New York is there is the Main Street over there, there is a nail shop and a few others that have been set back from the face. And you will notice that those are empty stores. So as looking at it back and forth, the positioning of the building, we think, is the best position right now.

Isidoro Albanese: Plus we've added the trees in the front where you have no trees now.

Clifford Munz: There is a photograph that might help you. There is an aerial of the existing. East Main Street – the existing gas station. This is pre-purchase or pre-taking

out of the tanks. There used to be parking back here and what not. So, there is no change to what physically is on the site. But the place has always been...

Chairman Cosentino: You said something about trees in the front, right?

Isidoro Albanese: One the sidewalk.

Clifford Munz: We will plant them.

Isidoro Albanese: These trees, right here.

Chairman Cosentino: It doesn't show it here.

Clifford Munz: It will show it here, though. So the view that you're looking at...this particular view is if I were to be looking at a store front this way.

Chairman Cosentino: On the sidewalk, which there are no trees there now?

Clifford Munz: None now.

Isidoro Albanese: You have them in front of Borders, in front of the furniture store, but there is none in front of that site.

Clifford Munz: So that would be trees or something...we generally like to do something tight. You don't want it spread out? There are some trees on Main Street anyway, you can see them getting a little over... getting large.

Chairman Cosentino: Where is the heating, air conditioning; where is that going?

Clifford Munz: On the roof, towards the back half.

Chairman Cosentino: You don't show it here.

Clifford Munz: No. There will be parapets. And being that we are conceptual, we do understand where they are going to go. There are three separate air handlers.

Chairman Cosentino: You're going to have parapets up there?

Clifford Munz: Yes. Absolutely, I think the parapets will be about 26 inches or so, but I can hide them, they'll be back and little bit. And if I need to they will be screened around.

Chairman Cosentino: Anybody else?

Sol Gibbons: You're going to abut this building right next to the restaurant?

Clifford Munz: Right next to it but as close as I can get to have a firewall, and if I have to then I'll just close up... there will be no alley way in essence.

Sol Gibbons: How do you propose to overcome the air conditioner and the windows that are facing out?

Clifford Munz: We'll be losing them because those are lot line windows and we can go up as high and they are going to lose two or three windows on that side.

Sol Gibbons: Do they know that?

Clifford Munz: They do know it.

Sol Gibbons: Okay.

Isidoro Albanese: By putting the building against the other building, it gets rid of that alleyway which is going to be good for when the teenagers go through even if we fence it in, they are still going to climb over and hang out in there, and so under the advice we figured for the board... I don't know if you like it this way better.

Chairman Cosentino: I'd rather have it close to the restaurant.

Clifford Munz: We took advantage of this little niche in here, so you're going to have some meters and maybe some trash. Guy goes straight in, the dumpster pulls right in. It's not even a dumpster; we're not required for a dumpster.

Chairman Cosentino: Well, it's definitely an improvement for the area.

Clifford Munz: Yes. Thank you.

Joseph Morreale: Mr. Chairman, I have a few things. What are the sizes of the parking spaces eleven to nineteen?

Clifford Munz: Those are per code. 9½ x 18.

Joseph Morreale: I'm talking about these.

Clifford Munz: Same size.

Joseph Morreale: Does the stanchion you're putting in the ground make any difference with the code?

Clifford Munz: There's no extension, that's a wheel block.

Joseph Morreale: Okay, that's what I'm talking about.

Chairman Cosentino: We don't use wheel blocks.

Clifford Munz: If I want to keep the nose from getting onto the sidewalk, I'd have to build it.

Chairman Cosentino: You have to use concrete curbing.

Clifford Munz: Okay. Then still, we have concrete curbing.

Chairman Cosentino: It's our code. You have to use concrete curbing.

Clifford Munz: I have actually both. So we can't use it as all.

Chairman Cosentino: Can't use the blocks.

Clifford Munz: That's alright, and then I don't need to.

Joseph Morreale: That would have made the cars stick out further. That's what I was concerned about.

Clifford Munz: They're sized to fit so that the front wheels, if they were to hit the block, my nose of the car wouldn't go too far into the sidewalk into that little walking area.

Chairman Cosentino: Yes, but it's not to code. You need concrete curbing whatever you do there.

Clifford Munz: Okay.

Joseph Morreale: The width of the entrance since its two ways; is 18 feet sufficient? Whitney, is 18 feet wide sufficient for an entry exit?

Whitney Singleton: It depends on the number of parking spaces. And I believe fewer fences, in this case... **(Fire alarm going off.)**

Joseph Morreale: It looks pretty tight, that's why I'm asking. The other thing I was curious about, do you know what kind of businesses are coming in?

Clifford Munz: It is going to be a low impact business. It can be anything from let's say a retail store for vitamins, it can be anything from there to...

Chairman Cosentino: Another pizza shop.

Clifford Munz: No; regular retail.

Stanley Bernstein: Nail salon.

Clifford Munz: No.

Stanley Bernstein: Bank.

Clifford Munz: No. If it were a bank I'd have a different story for a bank.

Stanley Bernstein: Thank you.

Clifford Munz: He hasn't got that... no.

Isidoro Albanese: Once we get approval, then we can sign the lease.

Joseph Morreale: The reason I'm asking that is that you do have the required spaces, but if these turn out to be businesses that have people parking there for three and four hours, there is going to be an overflow.

Isidoro Albanese: You mean like a restaurant?

Joseph Morreale: Or whatever.

Isidoro Albanese: It's going to be retail. Retail is the 1 for 150, that's what we're going to rent it to. We want to rent it to a restaurant that has a different parking ratio.

Chairman Cosentino: You have 24 foot.

Joseph Morreale: Did you know the width on the entrance?

Chairman Cosentino: He has 24 feet.

Whitney Singleton: Austin did a review. I would imagine he covered that.

Joseph Morreale: I'm looking at 18.

Isidoro Albanese: Two nine foot lengths came to 18.

Joseph Morreale: Okay.

Chairman Cosentino: You've got 24. It's laid out nicely.

Joseph Morreale: It is a big improvement.

Chairman Cosentino: I think it will look nice, but does anyone else have anything else they want to say?

Vice Chairman Sturniolo: The question came about blocking the windows in the air conditioning units. You referred to the adjacent property owner and you said they know about it. Who is "the they" and who communicated?

Clifford Munz: "The they" is the owner and our owner of our property.

Isidoro Albanese: I talked to Joe, and I told him I'm not sure which way it's going to go. It might go right against it, where they might have to do the air conditionings on the roof.

Chairman Cosentino: Whatever they have to do they have to do.

Whitney Singleton: They have office space up there now, and as of right they're locked windows.

Isidoro Albanese: It's only going to do the first three windows.

Chairman Cosentino: But that's an improvement to get it closer to that building, because the alleyway could be dangerous.

Vice Chairman Sturniolo: To eliminate the alleyway.

Chairman Cosentino: To eliminate that alleyway, this is an improvement. I like it. Start your application.

Clifford Munz: Is there a likelihood, and I might ask this because we're at a conceptual; is it likely that I could get on the next calendar for the one coming up, if I have all my material for your next meeting?

Isidoro Albanese: On the 26th here?

Clifford Munz: Yes, your next meeting.

Chairman Cosentino: Does he have to have the days?

Whitney Singleton: That's a work session.

Clifford Munz: I'd like to help accelerate if I could.

Chairman Cosentino: Absolutely, we'd want you to.

Vice Chairman Sturniolo: The cut-off for that work session would be June 12.

Isidoro Albanese: That's today. That's why I'm asking the question. I don't have all the data.

Chairman Cosentino: No. If you don't meet the cut off I can't. If I do it for you I have to do it for everybody that comes before me; and I'd like to do it for him. I know him; he's a good guy. But I can't.

Isidoro Albanese: The only thing is we missed the last one.

Chairman Cosentino: We were here; you weren't.

Isidoro Albanese: Yes, I know. I was going to forget about...

Chairman Cosentino: Congratulations, by the way.

Isidoro Albanese: Thank you.

Clifford Munz: Well, I definitely respect your position.

Chairman Cosentino: We had coffee and cake waiting for us. Mr. Vigliotti has a question.

Ralph Vigliotti: I know it's conceptual... explain to me what the façade is going to look like. I see a lot of glass. I know it's a conceptual rendering.

Clifford Munz: Exactly what we're going to have; three bays, three bays will then be glazed with a butt to butt frameless glass. That's the idea. The entrance is going to be either; it's going to be a cascade that appears to be made of limestone or cast concrete. What will happen then is in there will be the doors, or not. And then the bands that are here, this little face could be muntz metal, muntz metal is brake metal. And then the arch that's through here; the arch is higher than the ceiling requires but that's alright, we are returning a planter behind it. So I can have the arch higher. And then thirdly the awnings in here; the idea was to take just another approach to the awnings... have staggered awnings, so not only we have sort of respect in the arch over here, but its something you don't see everyday, I'll give you that.

Chairman Cosentino: Well, that's going to go before the ARB anyway.

Clifford Munz: That's true. And then the idea is that those awnings can be just fitted out with where these ovals are...the name of the company, the name of the store, and the signage would be up in the freeze.

Ralph Vigliotti: Is that brick that we see above the archway?

Clifford Munz: Yes.

Ralph Vigliotti: Brick that will match the brick that we see downtown; what are we looking at?

Clifford Munz: Yes. Not unlike The Elephant's Trunk for example.

Chairman Cosentino: They are going to put brick so we can paint it like La China.

Clifford Munz: Don't be painting my brick.

Stanley Bernstein: Is that a double leaf entrance door?

Clifford Munz: Yes it is. It will be set back 18 inches.

Stanley Bernstein: It swings out, no doubt.

Clifford Munz: Right. 18 inch encroachment; that's it.

Stanley Bernstein: Wow. You have a narrow sidewalk. That should be inset. The inset... the width of the leaf.

Clifford Munz: So you inset it the full 30 inches for the door, in essence? We can do that. It becomes a breezeway.

Stanley Bernstein: Yes. You say it's a wide sidewalk; it's really not.

Clifford Munz: No, now it's between 9.8 and 10 feet, but you'd still have a band of brick as you're saying.

Stanley Bernstein: And you have the brick on the meter side.

Clifford Munz: Certainly.

Stanley Bernstein: So I think it would be best to recess.

Clifford Munz: I think it's a better alternative than trying to push the building back.

Nanette Bourne: Mr. Chairman, I have a question. I can't see the elevations. Are you proposing double fronts?

Clifford Munz: Triple. There is a possibility of three stores. Is that what you mean?

Nanette Bourne: No. A front on Main Street and a front on the...

Clifford Munz: Yes, a primary and a secondary. The secondary in the back would be very much played down, so it would be more of just let's say awnings and doors if you will.

Nanette Bourne: It won't look like the back of the building?

Clifford Munz: No. It won't look like the back of the building, but it won't be as pronounced as the front.

Chairman Cosentino: Something like Shopper's Park.

Clifford Munz: Victoria's Secret. Do you see how they work that so that there is a display in the back, but the display is not through. So in order to get some display, yet there will be a door so you can maintain some security. It's up to them to maintain their security, but the fact is you get there and you can see what's going on. It would be the same displays down the side. I wouldn't want a through display anyway for people to meander up and down.

Ralph Vigliotti: Will the back of the building be a facsimile as far as the styling as the front, with brick?

Clifford Munz: It will be... now, I don't know how our pricing goes, I would use if not all some brick. The idea is to start to blend the two but play it down.

Chairman Cosentino: Then again it's got to go before the ARB.

Ralph Vigliotti: Well, this is conceptual.

Chairman Cosentino: What I'm saying they might not even want the brick.

Ralph Vigliotti: With all due respect to the ARB, I'd like to get a sense of what it's going to look like from the back. As far as Shoppers Park goes, the backs are fronts to Shoppers Park, and I want to make sure that it's not a stepchild to the front.

Clifford Munz: I wouldn't spend the money on the glass, for example on the back. I might do normal storefront. So I wouldn't put the extra effort as I did on the front.

Chairman Cosentino: The back has to look nice because it's like a main entrance because all those other buildings in the back are dressed up. I don't want it to look like the back of a garage, and I'm sure he doesn't either.

Isidoro Albanese: It will be the best looking building.

Clifford Munz: Borders handled it the same way. Their back is not as bricked up as the front. There is much more limestone back there.

Chairman Cosentino: We'll look at it.

Joseph Morreale: How will you stop people from parking in the parking lot and going to the theatre? What are you thinking about doing about that?

Clifford Munz: Well there is always the famous sign, this parking lot is for the patrons only, and otherwise they will be towed at their own expense. You can just do that.

Chairman Cosentino: You're not going to police it.

Clifford Munz: You can't.

Chairman Cosentino: What's stopping the people from parking there and going across the street to his restaurant?

Clifford Munz: The only difference is people parking at a meter rather than putting money in. You've got all metered parking at Blackeby; there are no meters here and that's only because we're required.

Isidoro Albanese: You're just taking a chance.

Chairman Cosentino: Taking a chance like any other place.

Clifford Munz: But the beauty is that you do...if we get four spots in the front, that's four metered spots in addition to the one that's there. I think a spot is worth a good \$25,000 apiece.

Ralph Vigliotti: We discussed this at the last meeting and I'd like to discuss it again. I'm trying to get an opinion from the members of the board with regard to a setback of the building from the sidewalk. With cars parking now in front of that building, I don't think ten feet is a very large sidewalk when you have double strollers. The approach that we've taken with a lot of the new buildings that are going on Main Street and on the secondary streets is to try to get them to be set back a little bit to give it a different look. Not to give it a kind of a strip mall look that you might see down county. I just kind of throw that out. If anyone has any suggestions or ideas, fine.

Chairman Cosentino: I think he is setting it back more, but it's not going to be the building itself, it's going to be inset.

Clifford Munz: The windows are more or less on the property line, and then when you enter in we have to set the doors in as you're saying, so that your swing won't be on the property; it won't be on the sidewalk. But it took a good hard look at both ways. Also, we need to get a number of square feet that we're trying to get deliberately, as a business decision. But the moment you start moving that building backwards, we start encroaching on, which is a minimum of five feet here, which I need for handicapped people.

Ralph Vigliotti: It's making the building smaller.

Clifford Munz: Totally makes the building smaller.

Ralph Vigliotti: Set back two feet, I don't know the length of the building, whether it's 80 or 90 feet, you're losing 180 feet. But two feet can have a very different look with a little bit of landscaping, and give it a very sophisticated look on Main Street. I'm only one member of the board, but this is the opportunity to say something.

Clifford Munz: I do respect your position. Again, I took a good close look at the other end of Main Street, and there, as I was saying there is a Nail Salon and a few others. Those are a little older buildings, but they have been deliberately set back. There is a lot wider of a sidewalk. But those, if you look at them, they are not a very nice place ...presently... not a nice place to be. It's not that comfortable. As a matter of fact, they're empty. They are the only stores that are empty on that street.

Ralph Vigliotti: They've had an ongoing problem with vacancies for the last 20-30 years. It's the Main Street, but it's not the most popular shopping destination for that particular area.

Isidoro Albanese: One of my things... if you did landscaping in the front of it, and you're looking a two feet of landscaping, is the maintenance of it, the snow in the wintertime; everything would die, first of all, then that wind that blows across Main Street that we see on our side, everything gets caught inside these plantings, if you're doing something

in there. If you do flowerpots, in the winter time they would be just dirt. And also, by putting the building back it's not lined up with the other building, and in my opinion. I've talked to a few people just to get their opinions on that.

Clifford Munz: But we did respect and I know your position and that is exactly why we opened this up. I didn't have to give any side yard, but I opened this up to more... this is 8 feet to begin with, not 6, plus another 8 feet, plus a little bit of planting in here, just to open that up, and that's the right place because if you look along here, walk along here, the fact that this building is taller, this building is a little shorter, there is just a natural draw right there because there is a pinching going on between the two buildings. That's the sense of entry. And it made sense this time.

Chairman Cosentino: The only thing that Austin says here... did you get a copy of this report?

Clifford Munz: No sir, except for the very first one.

Chairman Cosentino: I'll give you this one. He says to look into the snow area.

Clifford Munz: Yes, sir, we did that.

Chairman Cosentino: Well, he did too. Look at that and you might want to work it out with him.

Clifford Munz: This is the first one, yes. And, as a matter of fact, my response was point by point by point.

Chairman Cosentino: Okay.

Vice Chairman Sturniolo: Mr. Chairman, if I could make a point regarding the front of the building. Mr. Albanese at the last meeting it was brought up to take a look at Commerce Bank which is set back from the sidewalk with some greenery. I'm in agreement with my colleague, Mr. Vigliotti that I would like to see some greenery in front of this building as well, and the size of the building has to shrink to accommodate this, well, so be it. I think the greenery would look very, very elegant as part of this nicely designed building.

Clifford Munz: In lieu of street plantings? We have street plantings planned. If we do it in lieu of street plantings...

Vice Chairman Sturniolo: I'm not saying in lieu of.

Clifford Munz: Because we won't be able to fit both, then.

Vice Chairman Sturniolo: I would suggest that you take a look at the whole issue of greenery as was articulated a moment ago, and I would be in favor of that.

Isidoro Albanese: We're doing greenery over in back of this in that corner there, because we're going to do the greenery there. You've got the trees going back.

Vice Chairman Sturniolo: I'm aware of it.

Isidoro Albanese: I know as far as the bank, they have their grass on the side, they have a lot of open area and their entrance is totally different from this, plus that area is a little bit different than here, the downtown.

Clifford Munz: 130 feet by 2 feet that's 260 square feet. Just understanding that...

Vice Chairman Sturniolo: I'm only mentioning the bank because it's an example of greenery in front. I am not equating the statistics or the logic between the bank and this building; I'm just saying the fact that you're going to see greenery as opposed to the storefront windows right at the lot line in the front.

Clifford Munz: Yes, I understand your position, and the bank happens to be a corner building. A corner building has a lot more exposure and we don't have that. We simply don't have that.

Ralph Vigliotti: Well, it will be something we'll be discussing along the way.

Clifford Munz: I understand.

Ralph Vigliotti: I hope it doesn't create a road block, but it's conceptual on both parts.

Clifford Munz: Yes, alright.

Chairman Cosentino: Make a formal application.

Clifford Munz: Thank you very much.

Isidoro Albanese: Thank you, sir.

Chairman Cosentino: Thank you for coming.

**Conceptual Application
Chappaqua Transportation
33 Columbus Avenue
PB2007-08**

Present:

Joan Corwin, President, Chappaqua Transportation

Seth Corwin, Vice President, Chappaqua Transportation

Joan Corwin: Good evening, and thank you for hearing us.

Chairman Cosentino: As you know, this is a Conceptual, and we read your Application for a Conceptual Review. You're asking to install a 6,000 gallon above ground tank for fueling buses. That's what your application says here.

Joan Corwin: We were awarded a five-year contract with the Bedford School District to provide Bedford School District with school bus transportation. Because we were awarded this five-year contract, we have a five year lease on the building at 33 Columbus Avenue with an option to purchase.

Chairman Cosentino: There will be no more Baumann? Is that it?

Joan Corwin: No, it's going to be Chappaqua Transportation. There is a 275 gallon tank there now. But, we want to put a tank to the back part of the property because it proved to be a lot cheaper for the school district if they provided us with fuel at State contract prices. The vans that we use that use gas will be fueled up down at Chappaqua because those vans go by our facility as they go to Irvington or south of here.

Chairman Cosentino: So the school district will own the tank and they'll keep the fuel in it?

Joan Corwin: We'll own the tank but they'll put the fuel in it.

Chairman Cosentino: Don't they have room up there?

Joan Corwin: No.

Chairman Cosentino: Okay.

Joan Corwin: They have. If I could talk them into putting a nice facility there, but that's down the pike. They are not willing to do that now.

Ralph Vigliotti: Do they have a repair shop?

Chairman Cosentino: They do at the Middle School.

Ralph Vigliotti: Are they in the back of the Middle School now, do they still have a repair shop?

Joan Corwin: I think they have that because they run a certain amount of vans themselves; vehicles.

Seth Corwin: They do a lot of their repairs also down in Byram Hills for the Byram Hills School District.

Ralph Vigliotti: So they do have a repair shop there now?

Seth Corwin: I think it's more for the maintenance garage, though than for the school buses.

Ralph Vigliotti: Are they doing any fueling there at this point?

Seth Corwin: They do have a fuel tank.

Joan Corwin: Maintenance. I think they have a 2,000 gallon tank for their maintenance trucks and stuff.

Seth Corwin: The district also has their own school buses which they use that fuel tank for.

Joan Corwin: We will be using the garage for preventive maintenance, for servicing of the vehicles, for washing the vehicles and things like that. Heavy duty maintenance and DOT inspections will be done either at my Fishkill garage or my Chappaqua garage. The way we plan to do it, is we would fuel approximately seven to eight vehicles a day. I would stagger it. A bus that's on layover, they drop off at the high school a little after 7, 7:15, they have a layover because the elementary kids don't go into school until 9:00, and so I could stagger it so that a bus that's sitting in Shopper's Park at 7:45 could go fuel up and not be in anybody's way. I was trying to keep it off the main roads in Mount Kisco where we could fuel them up.

Chairman Cosentino: The thing is this. If you travel that road, we have a problem with garbage trucks... literally, many going up and down that road. Hopefully someday, they won't be there. We also have trailer trucks from a moving company going up and down and Lexington is only a two lane highway. Among our regular highway vehicles; the repair shops, you can see the way the road is now. The repair shop is as of right; you can have that; that's not a problem. I'm sure you read the report from Mr. Cassidy.

Joan Corwin: No I have not seen the report.

Chairman Cosentino: You haven't? I'll give you one.

Joan Corwin: Thank you.

Chairman Cosentino: I don't know whether a six thousand gallon tank would accommodate that piece of property. I have to be honest with you. You're a nice person. We know where you come from and you're well liked. But there are certain things that don't fit, and a 6,000 gallon tank is a large piece of equipment for that particular piece of property.

Joan Corwin: There is room for it in the back.

Chairman Cosentino: We would probably have to walk through there and make an inspection ourselves. What happened to Baumann's place on Norm Avenue? Is that going to be used?

Joan Corwin: That's just for storage of buses.

Chairman Cosentino: A tank wouldn't fit there?

Joan Corwin: No. Bedford won't let a tank be put there.

Chairman Cosentino: Oh.

Joan Corwin: The difference is it's got to be on a platform, it's got to have the proper drainage. If you look, the property where we are is all paved. There is a pad there for the tank. There is a system of drainage; an oil separator that separates the oil from the water. So, that's all protected and it's all been environmentally approved. Were we to put it on dirt; you couldn't do it. It's hard because I've been through Bedford Hills, I've been to Pound Ridge, I've gone over as far as 123 trying to see where we could do something like this, and it's just a very difficult thing.

Chairman Cosentino: I realize that. It is difficult. Do we want to have a site visit there just to see? Normally I'd say no, but we want to do this for you. We are going to make a site visit there.

Joan Corwin: If I were to get a spray can of paint and measure off the distance where that tank would be on the ground, so you can see?

Chairman Cosentino: Or get some string and line it out.

Joan Corwin: So you could see that?

Chairman Cosentino: Yes.

Joan Corwin: We'll do that this week.

Chairman Cosentino: So we agree that we take a walk over there on Saturday and look at this?

Stanley Bernstein: I can't make it this Saturday. I'll go by myself.

Chairman Cosentino: I'll go with you.

Ralph Vigliotti: I'll have to do it independently. I can't make it Saturday.

Joan Corwin: I think it's our intention to be a good neighbor. We've already painted the building; I've already put up a new fence there for you.

Chairman Cosentino: We have our problems and you have a good reputation, but there are certain things we need to look at first.

Seth Corwin: We did ask the school district first about the site at the school district, and Mark Betts said that he didn't know. It wouldn't be in the next five years, when he talked to the school board on the entire process. We did try to go that avenue.

Vice Chairman Sturniolo: I have a question. When the Chairman asked about Norm Avenue and you said Bedford wouldn't allow you to do that, when you say Bedford, do you mean the Town of Bedford or the Bedford School District.

Joan Corwin: No, no. The Bedford School District has nothing to do with it.

Seth Corwin: The owner of the property does not want us to put it there.

Vice Chairman Sturniolo: The property owner, not the municipality of the Town of Bedford?

Seth Corwin: That's correct.

Joan Corwin: There is no drainage there.

Vice Chairman Sturniolo: I just wanted to define; when you said Bedford, who's Bedford. Thank you.

Joseph Morreale: From my perspective, we need to walk the area; that would be really important. I'd like to see what else is around there. You're talking about a rather large tank of gasoline. God knows what might happen.

Joan Corwin: There are a couple of maintenance; there is like... one of these things with a track on it... what do you call those machines... that the person that was there before is moving up to his new facility in Brewster, and that has to be out of there by September 1st.

Seth Corwin: He is saying he wants to look at the other facilities around...the other buildings.

Joan Corwin: Yes, he wants to say with all the stuff you're having how are you going to do that.

Joseph Morreale: No, no, no, on the contrary. I'm more worried about the possibility of fire in the region of the tank. So I guess when we look at it Saturday we'll know more.

Chairman Cosentino: The other thing is the amount of buses going up and down. Something that's going to have to be... I don't know what. You're right in the middle of traffic, with garbage trucks unloading first thing in the morning, trailers leave for furniture. So in your report, you say you can...

Joan Corwin: The pump would be open six to six. That's very flexible. That's what we do in Chappaqua. We have the same amount of buses in Chappaqua.

Chairman Cosentino: I think we have in Mount Kisco in our code called Midnight Fueling.

Joan Corwin: What does that mean, midnight fueling? We're open midnight?

Ralph Vigliotti: What is the diameter of the proposed tanks?

Joan Corwin: There is a diagram there, if you have that.

Anthony Oliveri: It shows as eight feet.

Chairman Cosentino: 8 x 16 feet.

Stanley Bernstein: Did you get in touch with DEP on this?

Joan Corwin: Yes. I wanted to make sure that the property was clean and everything because if I'm going to have an option to buy it.

Stanley Bernstein: It's not only clean, you're in the Main Street area, and you need a storm water pollution prevention plan.

Joan Corwin: Yes, it's a double wall tank. It's got alarms.

Stanley Bernstein: You're talking about the property itself; the storm water on the property itself. It's completely impervious; the whole property. And DEP is going to want something there.

Chairman Cosentino: They already have it.

Stanley Bernstein: It's there, it's existing?

Chairman Cosentino: They did it, yes.

Stanley Bernstein: Okay.

Chairman Cosentino: We're going to make an inspection on this.

Joan Corwin: In the meantime we'll have that measured off for you.

Chairman Cosentino: Measure it off where it's going to be, and then we'll just talk about it some more. Anybody else have any questions?
I think we owe them a visit on this. Okay, we'll get back to you.

Joan Corwin: Thank you for listening to us.

Conceptual Application
John Martabano
41 Armonk Road
PB2006-13A

Present:

**Scott W. Blakely, Principal Landscape Architect, Insite
Engineering**

Scott Blakely: I believe this application was last before your board March or April of this year. The project architect, Ed Gemmola had pulled together a schematic site plan, presented it to the board along with some architectural drawings, and the board has asked John Martabano for some additional information regarding grading, drainage issues and how we were going to handle certain engineering aspects. We were brought into the project to prepare the engineering drawings. We started to look at the project and the grades, the existing grades vs. the proposed layout that the architect had prepared. Based on the initial layout plan, they were encroaching into the slope in the western portion of the property; eastern portion of the property pretty significantly. That site plan, which is shown on this drawing, required a retaining wall to be constructed behind the building and behind the parking area. The grade change between the proposed parking lot and the top of the retaining wall in this corner is approximately twenty feet. So, this site plan as it was previously proposed would require a 20 foot high maximum retaining wall at this point. We took a look at the site, came up with a couple of different alternatives, discussed those with our client, and have submitted to your board an alternative plan. Basically what we have done is we have pulled the building and the parking area away from that slope, pulled it forward towards Armonk Road, approximately ten feet. We would have a ten-foot setback from the front yard. It would require an area variance. But, that would reduce the height of that retaining wall.

Chairman Cosentino: 50 percent.

Scott Blakely: Correct. That would reduce the height of that retaining wall by about six feet, down to 14 feet at its maximum height. Really, before we took this thing any

further we wanted to come before your board, talk about this alternative and get some feedback from you.

Chairman Cosentino: What about the height?

Scott Blakely: The height of the building?

Chairman Cosentino: Yes.

Scott Blakely: I spoke to Austin. I know there was an issue that was brought up, that your code permits two and a half stories, 35 feet, and I believe when he looked at the section that the architect had prepared, it was a three-story building because there was parking underneath the building and then two stories of office space above it. I think there were some recommendations made to try to modify the building itself to create some type of mezzanine so you can meet the height requirement or the other option was to apply for a variance on the height also.

Chairman Cosentino: He writes here, he needs a proper set of plans to determine the height. Whether the building height in stories has now been revised, so he's going to need a regular set of plans, he puts on the foot print. Have you gotten his report?

Scott Blakely: No I haven't. I spoke with him briefly today on another matter.

Nanette Bourne: Scott, is this just one floor of office? How many stories? You have parking underneath.

Scott Blakely: Correct.

Nanette Bourne: And then you have how many?

John Martabano: (In the audience) It's one story of offices, 5000 square feet, single... The roof, the design... the dormers gives it a look of a second story, but it is not. That second story will not be occupied. It will be strictly for file storage and stuff like that.

Nanette Bourne: So then total square footage of the building is what?

John Martabano: Just under 5,000.

Nanette Bourne: Including that storage space up top?

Scott Blakely: No, it would be more if it were storage space, but the storage space is lowered. It's not capable of being a story, because we had to redesign it and go to 32, I think.

Donna Meyers: What is your name sir?

John Martabano: John Martabano.

Chairman Cosentino: John, why don't you come up?

John Martabano: No it's okay. I stand... I'm better in the back here.

Vice Chairman Sturniolo: But the mic cord can't reach that far.

Chairman Cosentino: Well, Austin needs a set of plans so he can check on that. You see what he wrote there. That's his report to us on a conceptual.

Scott Blakely: Sure. I know a couple of things we talked about today were the 50% reduction in the setback. Again, we'll work on the building height issue with their architects.

Chairman Cosentino: He'll get back to us after you talk to him.

Ralph Vigliotti: You are looking for a variance possibly on the height of the building?

Scott Blakely: We're looking for a variance for the front yard setback and the buffer, because the parking is going to be moved forward also. That's one thing. The issue with regard to a variance for the building is something that I think we're going to try to avoid and work out with Austin, as long as they can modify that building to conform.

John Martabano: Mr. Chairman, we have a set of plans that show it at 33 feet, so it is not a three-story building. I got that design. Our biggest problem here is whether we

can go for this area variance or whether we need to go through an area variance because we have to reduce that...

Chairman Cosentino: Understandable. Just work it out with Austin and then get back to us.

Scott Blakely: I know there is one other issue that you brought up. In your resource protection code, you prohibit retaining walls over six feet...

Chairman Cosentino: Yes we do.

Scott Blakely: Unless you have the ability to waive that if there is no other viable alternative. And really the only other viable alternative is to reduce the scale of the project down. Reduce the number of parking spaces; reduce the square footage in the building.

Ralph Vigliotti: It sounds like a viable alternative. It's something you need to take a real close look at.

John Martabano: I'll be happy to provide the numbers to show that it is or it isn't at any time.

Scott Blakely: One of the things we discussed with Austin today was putting together a financial package just to let you know what the numbers are and if there is any type of return on this building. So, that's what Mr. Martabano is going to be pulling together also.

Chairman Cosentino: This board doesn't get into what you can make on a building and what you can't make on a building. Whatever is in the code, whatever is allowed and is recommended by the building inspector, that's something else.

Scott Blakely: Financially, if they can't build less than 5,000 square feet, then it's not a viable project. He said that was one option, try to present something to your board, so we'll pull that together and get that in.

Ralph Vigliotti: We had a similar project on Main Street across from the corner building on Main, in which they came in with five or six thousand square feet. We actually got them to trim it down quite a bit. It's a gorgeous building, they did parking underneath.

Scott Blakely: That's that white building right on the corner? Okay.

Ralph Vigliotti: They came in at 5 or 6,000 square feet also, and they were pushing the envelope for that property. I'm not here to tell you what's viable or not. It looks like you need a lot of variances to make all of this work for this size building. Whatever you do there is going to be better than what's there now, but we still have to look at the setbacks and of course the steep slopes and there's the height of that retaining wall; you have a lot of issues. There is no doubt the building is going to be an improvement; that's without question.

Scott Blakely: And that's why we wanted to come before your board to discuss this one alternative that we came up with. There may be others based on listening to the board tonight that we'll take a look at.

Vice Chairman Sturniolo: Tied into the height of the wall is also the issue of the length of the wall.

Scott Blakely: Correct, and I'm assuming you're going to be concerned with the aesthetics of that wall also, because it will be visible from Armonk Road. So that's something that we'll take into account also.

Stanley Bernstein: Where is the limit of disturbance beyond the wall?

Scott Blakely: We haven't totally determined that. We're working with our soils engineer to determine the...

Stanley Bernstein: I'm curious as to why all these trees have to be removed. The limit of disturbance is probably just beyond the walls.

Scott Blakely: Well the problem we have is the over excavation that you need to construct the wall.

Stanley Bernstein: So in other words the steep slopes are going to be encroached upon even further than what is showing here.

Scott Blakely: Yes, but if you've been to the site or if you get a chance to go by the site, you'll see that the majority of that portion of the area that is very steep is not really vegetated right now.

Stanley Bernstein: It does have trees.

Scott Blakely: It has exposed roots and soils also.

Stanley Bernstein: In other words there's extreme erosion.

Scott Blakely: There is because of the steepness of the slopes, and that's something that we're going to take care of during this project. To go in and get everything there stabilized.

Chairman Cosentino: There is a lot of erosion there.

Scott Blakely: Yes and the trees that are shown to come down really have exposed root systems and really should come down. There is not really any way to get back in there and add soil. So we tried to give you a realistic tree removal plan, but we haven't yet developed that limited disturbance line until our soils engineer tells us how we're going to construct this wall.

Chairman Cosentino: Is there anybody else on this? Okay, you need to get a formal application.

Scott Blakely: Alright and we'll pull together the other information.

Chairman Cosentino: Get a formal application and start the ball rolling.

Scott Blakely: Okay. Thank you.

Chairman Cosentino: Thank you for coming.

Scott Blakely: Thank you Mr. Chairman.

Nanette Bourne: He is going to do a formal application.

Chairman Cosentino: A formal application. I'm not going to keep coming back for the conceptual is over. JR, you need to work with Nannette on this.

John Martabano: How so?

Chairman Cosentino: Because it's no use keep coming back and we don't like this, and we don't like that, so it saves a lot of time.

John Martabano: We did lower everything. We're trying to anticipate what we need. Thank you very much I appreciate it.

**Formal Application
Northern Westchester Hospital Center
400 Main Street
Application No: PB2003-02B**

**Present: John Partenza, Northern Westchester Hospital Center
Michael Caruso, Northern Westchester Hospital Center
Ross Cole, BAM Studio
Scott W. Blakely, Principal Landscape Architect,
Insite Engineering**

Chairman Cosentino: This is an application to replace the oxygen equipment that is presently there. I took the privilege of going up there myself to look at this and what I saw there, not knowing a lot about oxygen; but there is one large tank there, and we could go look at it if you'd like, one large tank and then there's many small bottles to improvise?

Michael Caruso: The small bottles are the reserve capacity. Back in the seventies when that was installed the bottles sufficed the reserve capacity, and today's code has changed. We're required to maintain a 72-hour reserve capacity which requires a larger tank.

Chairman Cosentino: And it's in a dangerous situation because when trucks come and unload where it is right now, it shouldn't be there. It should be moved about 25, 30, 40 feet, anyway to the town road right there. So it's more of a safety issue than it is just to come in and say I want tanks because I'm doing something else.

John Partenza: This is not related to any other project.

Chairman Cosentino: Not related to any other project. I want that understood. It's just to move these down, and the reason why they're before us is because there is a steep slope there that they have to cut into. Keep in mind that the equipment is in steep slopes now that will be covered up eventually and taken care of. I give you the table here.

Michael Caruso: We have visuals for you if you want to take a look at them.

Chairman Cosentino: I just want to tell my fellow board members what I experienced, and you can take it from there.

Ross Cole: What I'd like to do is just show you why we selected the area that we did. Basically, the hospital itself, I think you've all seen the site plan. This is at the very, what I would call, the rear of the hospital site of the... technically this is actually a side yard over here. This is basically the main mechanical room over here. This is a roadway that leads down to a loading dock at this point. On the set of drawings that you received you'll see that right in this area is where that existing tank is right now. As Mr. Caruso pointed out, there are several deficiencies to that tank. The hospital has been dealing with some band-aid surgery on it for several years and it's gotten to the point really where it needs to be addressed properly. We took a look at the site conditions over here. Back up for just a second. Before we even determined a couple of things what we did was we tried to figure out how to make this have the lowest impact possible. Now, what happens is there is a truck that has to come in and obviously fill this tank, and it does that, I think, once or twice a month, and then there's a series of vaporizers and some other things that have to work with that. A couple of things we looked at were the placement of that tank relative to the trucks getting access in and out to the space. The other thing we looked at was how to be able to construct something like this without disturbing the existing tank. Because it's not like the hospital has the luxury of telling people okay, we're not going to do surgery for X amount of time while we do this crossover, so what we had to do was find a way to be able to site this so that we would not disturb the existing tank, and then once this is built to make that crossover occur. The reason why it's placed at this location is so that we could get the flat surface that we need for the tank itself then over here, be able to make it feasible for a truck to be able to get easy access in and out, and also respect the buffer zone and the side yard setback for the location here. This darker band that you're seeing across here is the 20 foot buffer zone that the town requires, and you can see that by placing this at this location we're not disturbing any of this buffer zone in over here. And what we did as well is we also marked where the 30 foot side yard is. The reason for that is because in order to be able to cut into the hill we are proposing a retaining wall that does exceed the six feet but the key thing to it is that that retaining wall does not exceed the six feet until it goes beyond that 30 foot side yard setback. So I'd like to show you this drawing that shows you how this steps up. Basically this is that first bit of retaining wall which is at five feet four inches, and that's really at the highest point. You can see that it actually goes down a bit lower over here, and one of the things we're doing is we're actually keeping that retaining wall a little bit high just to be able to act as a little bit of protection to the oxygen equipment that's down there. Then it steps up. Right at this dash line over here - that's where that 30 foot side yard setback occurs with this because it's not parallel with the side yard, so it's bisecting it. And, so then we step up over here and we went up to a high point of about nine feet four inches to be able to create this level area in over here. The other thing that we had done was we looked at the placement of the tank itself. The tank for something like this, as you can imagine is fairly large to be able to meet today's code, and so what we had done was looked at it first where it was proposed by the people who manufacture this to do a vertical tank, and we felt that that was going to be too much of a visual intrusion to the neighborhood, so what we did was we asked them to go back and work with us to develop a horizontal solution which is this. It has the vaporizers over here. One of the reasons why we think this particular spot works out well is because you can see the grade of the land in the background and it reaches the property line and you can see that these vaporizers which are really the highest things over here, just barely reach that grade line. So, what

happens from the neighboring area is that all the work that we're proposing to do in here would really be pretty much invisible.

Chairman Cosentino: I looked at that yesterday. Even the tag that is there now you can see from beyond.

Ross Cole: What I did to help the board I brought a couple of photographs to show you. For anybody who has not seen it, this is actually the existing tank. You can see the way it's sort of tilting over a little bit, and it really needs a better placement just for better protection in general. All we really have here is a couple of rocks and this kind of chain link fence around the perimeter over here. And what we're proposing actually doesn't really go up as high as this tank, and you can see the way this grade slopes over. So if we take a look at that, and we start to superimpose what the vaporizer, which is the tall element would be, that's basically this white element over here. We even exaggerated it a little bit to be able to show you how it sits. It's actually going to sit up slightly from where this tank is so that we can get a level area because that is one of the key things that we think is important for safety is to be able to make sure that this is a level space in over here, and also that we keep a reasonable distance from the building just to be able to allow any escaping oxygen to dissipate. So you can see from this side relative to where this buffer zone is and the existing slope of the land here, it really has very minimal impact. The other thing that we had done was we took a picture from the road across the street. This is looking back at that mechanical room that you can see in this picture over here. And then you can just barely see, if you see it's superimposed where we think the top of that will end up, it actually should be slightly lower than that. What we did was we exaggerated it just slightly assuming that you're really standing at six feet high so you're not really in a pure elevation, so you're actually looking downhill a little bit, and the reason why was just to show you that we really think that of all the different placement that we looked at this is really the thing that has the most minimal impact to everything in the area, and also helps to protect all the vegetation in the area. So that's what we present before you tonight.

Doug Hertz: I'm confused by this, not because of what you're presenting but because of what we've been seeing. Now I don't have the two plans that we can superimpose, but isn't this oxygen facility essentially in your circulation road?

John Partenza: For our proposed circulation road, no.

Ross Cole: Actually we intentionally placed this so that it's actually just next to the circulation road. If you look at that plan, I think the plan that you're referencing, that circulation road actually ties right into this. That circulation road actually comes around after this. So that's one of the reasons why we put this over here so that it didn't interfere with some of the plans that you had seen earlier.

Chairman Cosentino: You know what is surprising when I was there? You have to look at this to see it. The circulation road is three quarters built.

John Partenza: Well, it's been there forever, the road may not exist.

Chairman Cosentino: Yes, it's there. They only have to go through maybe another fifty feet to complete it.

Doug Hertz: But I mean there have been two different, in Alternative Three and the primary, there were two different locations.

Chairman Cosentino: They are not going in the Boltis Street anymore with the secondary road. They're keeping it down. That secondary road in the back where they were going to take twenty five or thirty feet, that's out the door. They're going to keep the road that they have now and continue back, which is much lower also so you can't see it at all.

John Partenza: Is there a question because the intent was when this had to be done, I told Mike to go ahead and do it but be mindful of our Master Plan; don't put it where the road... it wasn't done as part of the Master Plan, just to keep in mind that someday something is going to be happening here.

Chairman Cosentino: It's really not going to be in the way.

Ross Cole: That was the same direction that we had gotten...was to locate it in a way that won't interfere with any future plans.

Doug Hertz: I feel as a board member that I am in between a rock and a hard place. You have a need for this; we understand that, we're trying to accommodate you. But as

every incremental decision gets made, a place for this, this building goes up, this gets shifted, and we lose control over our ability to change the Master Plan in any meaningful way.

Chairman Cosentino: Doug, keep in mind one thing, and I don't mean to interrupt... keep in mind one thing, because I thought that from the beginning. Whether they completed the Master Plan, whether they did the Master Plan or whatever part of the Master Plan, this had to be done because of the dangerous situation that it's in. So it really has nothing to do with the Master Plan.

Doug Hertz: But, Joe, I'm not arguing whether or not this needs to be done. That's why I prefaced the statement. My comment is citing this facility and citing of other things that are related; the cancer center, the this, the that, all these things; this incremental building, without us having taken a position on the entire formulation, begins to whittle away at our options for what to do.

Chairman Cosentino: I don't understand that. If you need a roof on a house one year and the second year you need siding...

Doug Hertz: Yeah, but if you're planning to expand the house the next day, you don't put the roof up. Or, you do something... a stop gap measure until you have a Master Plan.

Chairman Cosentino: This is not in the Master Plan, this is in maintenance. This has nothing to do with the plan that they're going to do, it's a maintenance thing.

Doug Hertz: I understand. But when you put your well where your driveway goes, and then you have to dig the well up.

Michael Caruso: I'm sorry. That's why they hired me to look at that, I kind of look out and be cognizant of the fact that the plans are for the hospital and try and place major infrastructure items such as that, such as a new type of piping that goes on, so we try and do that.

Chairman Cosentino: I understand where Doug is coming from.

Doug Hertz: But my point is the Master Plan is a proposal. It's not something that has been approved; it's not even something that we haven't really hashed it out that far.

Chairman Cosentino: The Master Plan?

Doug Hertz: The Master Plan.

Chairman Cosentino: Let's not confuse it with a maintenance plan. This is maintenance. It has nothing to do with a Master Plan. It is solely maintenance.

Doug Hertz: And where that road is going to go is now not going to go through this spot.

Joseph Cosentino: No.

Michael Caruso: But the existing tank is there, so the existing tank would have stopped us from doing that as well. All we're doing is moving it north a little bit. So basically, I can appreciate what you're saying.

Doug Hertz: I'm not so much objecting to what you're doing. I was making a comment about the process that's frustrating.

John Partenza: And I think we're respectful in the Master Plan process. This was something we couldn't hold off on any more. I think that's where we're coming, and we're putting it right next to where it is relative to the site. There are not many other logical places back there where this could be done anyhow. There is steep rock next to it. If you go back there, there is only one spot; it is to the right of where it is today.

Chairman Cosentino: I felt the same as you; that's why I went there. But when I saw the extra tanks that they had to use in order to...

Doug Hertz: My biggest concern on this site is parking and siting of everything else. As far as I'm concerned, we've seen proposals for where the parking needs to be, but we really haven't had an opportunity to explore what may be significant variations. We've seen Alternative Three. Alternative Nineteen might be the best one, and it might put

parking in the back of the hospital. I don't know. The hospital might say that the housing on Boltis might be a great place for parking.

Chairman Cosentino: Thanks, I needed that.

Ralph Vigliotti: I couldn't agree more there.

John Partenza: We had proposed that many years ago and were told it couldn't be done. We had plans for parking there, and I respect that, but we will need an oxygen tank close to our, where it comes into the building. There's a header there, there's a mechanical room, the proximity... it's just where it needs to be

Ross Cole: There is one other thing as well. I definitely understand what you're saying but just sort of to make one comment is that one of the things I know that the team here has tried to do is not to confuse you by showing you something that's radically different, and so I know you've seen a couple of Master Plan versions. I think everybody is in agreement that common sense would say it's got to be somewhere in this area. So all I'm saying is that what the team has tried to do is at least be consistent with the message that we've been giving you and the most recent passes since Michael has come on board.

Doug Hertz: I'm really not trying to... I agree. This may end up being the perfect location. It may satisfy everything.

Chairman Cosentino: But if it's not, they're going to have to eat the cost.

Doug Hertz: But eating the cost is going to be the same problem where they're at. They're going to have to do an interim thing, they're not going to want to shut down, it's not like another builder where we say, you know what, you put the retaining wall one foot off the thing, and you've got to tear it down. We've been there. This is not the situation. The retaining wall has to stand out for awhile.

Chairman Cosentino: I can guarantee in the situation that it's in now, the road doesn't interfere with it, and the tank will be in a safe place. Where is that one picture of the parking lot, the wide one with the parking lot? This area right here is wider where trailer trucks will come and unload. And this was a dangerous spot of backing into that. And so that's why it's going over here and not leaving it right here.

Michael Caruso: Another thing that's key to note is, again because this is the main oxygen supply, there is also low pressure fill, the low pressure fill is in case that is the catastrophic in this... We're going to have a truck pull up to the building and provide liquid oxygen through an emergency fill. We're requiring having that as a back up. And that needs to be in close proximity. That right now is sitting on the building next to the loading dock. So that's the other thing that dictates the location of the oxygen tank. That needs to be in the back.

Chairman Cosentino: Now I noticed the outside of one of those tanks was complete with ice.

Michael Caruso: That's the vaporizers. The ambient vaporizers that take the liquid oxygen and require with the ambient outside with the sunlight to melt it off. The reason why that is so iced up is because it's traveling to air too fast. So our demand has exceeded it. So we're going from a three thousand gallon tank to a six thousand gallon tank to a nine hundred gallon reserve tank. The nine hundred gallon would give us the three days. Right now our reserve is only six hours. I do have an audit report which was done by BOC, I have a copy for everybody on the board here, you can see through the audit report. It will go into details of what codes that we don't comply with any longer, and the need. The last two pages are all the deficiencies that have been listed on that path, so you have it.

Joseph Morreale: I'm interested in the whole idea of placement of this. In a perfect world, is this where you would put these?

Ross Cole: Overlooking the existing infrastructure, I'd say yes.

Michael Caruso: Because of what the existing infrastructure is. Again, with that low pressure filler that was I mentioned, behind that, this goes into a manifold room, and there is a distribution. There is about a three inch line that carries it through the hospital and it branches off into the different units. All of that is located right behind this in this loading dock. So that's where it is. In order to bring that all the way around it would be quite costly.

Joseph Morreale: Thank you. And the wall? The wall has to be raised, is that what you were saying? Even though it's tiered it has to be raised?

Ross Cole: Yes. Because what's happening is...

Joseph Morreale: What kind of material would be used to raise it?

Ross Cole: We'll be using concrete for it.

Joseph Morreale: Poured concrete.

Ross Cole: Poured concrete and the reason for that is because it's the least intrusive in terms of the vegetation that's nearby. The vegetation is a good distance away, but we really don't want to disturb any of that root system. So we looked at a couple of different varieties including a block type of retaining wall. The problem is that we'd have to re-disturb a lot more earth in going further into the hill to do that. So that means we're putting the trees at greater risk. So looking at the different options that we had to determine that a concrete retaining wall was going to be the least intrusive to the vegetation that's in the area. Just to finish one thing, one of the reasons why we think it's a good option here is because the only way you're ever going to see that retaining wall is if you're back here by this maintenance area. Because this actually slopes downhill. If it were a more exposed thing, and there was a neighbor who had to look at this or cars had to drive by it everyday, we would certainly consider a different type of option. But back here it just seemed like it was a bit of a no brainer.

Chairman Cosentino: Matches the rest.

Ross Cole: It's all concrete but often nobody is really ever going to see it.

Joseph Morreale: Aside from the aesthetics, structurally, is that stronger than using block?

Ross Cole: When you say block are you talking about like an earth retainage type of block? That I couldn't tell you for sure yes or no, but I would image.

Chairman Cosentino: They are going to put re-bar in the concrete. I'm sure it's going to be strong.

Ross Cole: I have to believe that from a structural calculations perspective. The reason why I can say definitively is because it's actually two different technologies. If we work with a block type of foundation which is sort of like that muni-lock type of system with the grid mesh that goes in back, that's actually a different type of calculation. It's not really a structural engineer that's more of a geo-technical engineer that would do that.

Chairman Cosentino: A concrete wall is much stronger.

Joseph Morreale: The reason why I'm asking is the protection of the tanks in terms of any kind of...

Ross Cole: From any sort of explosive perspective, the concrete clearly would be a better material because the concrete, obviously as you pointed out, has the rebar in it which is going to be able to retain any sort of explosion. The block type of system as the name suggests will allow weakness at any one of those joints. So if your concern is any sort of explosive nature, then clearly the concrete will be the best way to go.

Michael Caruso: The way the base is built it's required to have a spill apron. Because when you're dealing with liquid oxygen you can't have asphalt. It has to be on a concrete bed in case there is any spillage. Because spillage from liquid oxygen onto asphalt can create... so there are a lot of requirements that have to be met for the pads.

Vice Chairman Sturniolo: So this retaining wall, you're saying is approximately eight feet or two feet higher than the six foot threshold.

Ross Cole: Actually, it's about nine foot four.

Vice Chairman Sturniolo: What is the difference between the internal pressures in the old tank post manifold versus the internal pressure in the new tank?

Ross Cole: That I couldn't tell you.

Michael Caruso: Internal pressure? They don't give us the internal pressure.

Ross Cole: Actually that question has never come up before.

Michael Caruso: It's gravity, so you're talking about the same side.

Ross Cole: But the oxygen is under pressure, that's how it's liquefied. Honestly, I couldn't tell you. I couldn't image than it's really any different than the existing tank, though, because the basic property is that you're just trying to liquefy oxygen. So whether it's a small tank or a big tank, it's still liquid. And you reach a certain pressure where it turns to liquid.

Michael Caruso: The pressure coming into the building is 52 that's what we're required to provide. We are required to provide 52 pounds of oxygen at the outlet that the patient is going to use it. That's what required.

Vice Chairman Sturniolo: John, a question going back to Doug's concern about the fragmentation of the Master Plan. At the beginning, Ross, you said that the current tank is in disrepair for many years and it's a Band-Aid approach. This doesn't mention the old tank at all.

John Partenza: No. It was assumed we'd always have a tank there in some form or another. It wasn't really part of our Master Plan.

Vice Chairman Sturniolo: To upgrade from the current to the...

John Partenza: This is an infrastructure issue that we've run across.

Ralph Vigliotti: The road as it exists now is not a through road. It will be at some point in the future, whatever plan that may fall under; does the proposed plan for the tanks match the design for the new road as well as any kind of State or local setbacks that are required?

Ross Cole: Yes. That's what we were very careful to do. Make sure that the two lined up. Going back to what Mr. Hertz said earlier. That's why I pointed out that if anything, we would at least try to keep what we're giving you consistent so that we're not giving you fragmented information.

Michael Caruso: If I understood your question, to make sure that the setback of the tank is not encroaching near where the traffic is going to be? Is that what your question is?

Ralph Vigliotti: Yes. Because I guess the new road that will be put in at some point is going to have to match local code and the day you have to match some kind of state code, and the question I have is, where the position of the tanks are and the materials that are being used in that setback, are you going to come before us again at some point and say, whoop, we had a problem, the new road will have to be a little smaller now, or narrower, because we have to meet the setback requirements.

Ross Cole: Actually that's why the retaining wall needs to be a little taller. Otherwise, we'd just say, hey, we'll just build a six foot retaining wall and go in closer to the road and, any story.

Ralph Vigliotti: And you're anticipating all the local...

Michael Caruso: We certainly tried to. It's indefinitely, but absolutely we have tried.

Scott Blakely: We've maintained a 24 foot wide road.

Ross Cole: And going back to that, the big reason why we're here is because of that retaining wall. We could have easily scooted it forward, just narrowed the road and just put it to bed that way, but we didn't think that was the right thing to do.

Doug Hertz: Can you show the property line in relationship to this?

Ross Cole: Oh, sure. It's actually right over here. I don't know if you want to look at it on the site plan or if you want to look at it on this, but basically it runs right along this. It's the top edge of this black band. The black band is that twenty foot landscape buffer zone.

Doug Hertz: Is it on this? It's not on this drawing right?

Ross Cole: No. For whatever reason it's not showing up on that drawing. It is just a location plan. This is it right here.

John Partenza: It's limited back there right now. This is, you can tell by the topography, is very steep.

Ross Cole: This gets even worse over here. This then, also puts it more in the way of some of the things that were sent to you previously about creating a road.

Michael Caruso: Is there a reason why you're not closer to the building?

Ross Cole: To this building here? Well, but the big reason Mike is that we want to try and respect the width of that road that we need. Because if we did this we'd probably end up having to cut in over here with the road and then we'd have a big retaining wall right next to the road, which does not seem like a very ideal situation. Then you have snow removal and things like that.

Chairman Cosentino: Alright, we're getting a little off the... are you alright Doug? Any other questions?

Doug Hertz: I make my comment again, just so it sits on the record that I do not necessarily have any objection with what is being proposed. I do object to the handcuffs that are being put on us by asking us to approve things piece meal and may limit our options down the line.

Chairman Cosentino: Nannette, I want to expedite this.

Stanley Bernstein: I notice that you're complying with the New York City regulation storm water during construction and post construction and it looks like a very good plan, but you did have paved... bales which is no longer allow under New York State. You know that. Now, you're going to take two hundred and fifty cubic yards of rock and you're disturbing 3,591 square feet of slopes above 25 percent, which is not a very happy situation as far as I'm concerned. I kind of go along with the rest of the board that it's absolutely necessary. It's something I would not allow on any other project. I would stand very very firm on that. But, bear in mind, we're giving a lot. And the way the DEIS is constituted, as you know from the comments we've made, it obfuscates. Whoever did it; it was done to obfuscate. Or, it was done by a bunch of amateurs who don't know anything. One or the other, and I do believe that whole thing should be rewritten. As a matter of fact, I will not accept it unless it is rewritten properly. But I do appreciate the effort you're making on the trees, and everything else involved in this. Do you anticipate blasting?

Michael Caruso: For this project, no.

Stanley Bernstein: I know it's only 250 cubic yards, you don't have to, but you never know.

Ross Cole: It's not enough yardages and there are too many building and too much fragile piping.

Stanley Bernstein: I do urge you to use the smallest equipment commensurate with what you're doing. Don't come in there with a 50 ton bulldozer. I notice you pointed out to the contractor that a certain digging has to be done by hand. Very few of our developers do and I fight with them all the time. But I want to urge that.

John Partenza: The Neonatal Intensive Unit is right there, they are very sensitive to vibration, so we have to be very careful what we do at what hours of the day.

Ross Cole: And if it helps, our incentive is that big equipment can do big damage very quickly. Because we've got a lot of infrastructure there so we're incentivised to use...if that's a word... to use small equipment because we need to be very careful.

Stanley Bernstein: Impaction, vibration, accidents. Be very careful with the trees; tie them back and so on; I would just like to urge that, and I understand you're going to do it.

Chairman Cosentino: Anybody else? Okay. Nannette?

Nanette Bourne: The most expeditious path is... they do need a public hearing because of the resource disturbance. It requires a 15 day notice. If you want to queue this up for a public hearing and approval at the July 10 meeting, you could do that.

John Partenza: Okay, thank you.

FINAL ACTION:

**19 Kensico Drive
Charisma Holding Corp.
PB2006-23**

**Present: Janet Giris, Esq., DelBello, Donnellan, Weingarten
Wise and Wiederkehr, LLP
Diego Villareale, Project Manager, John Meyer
Consulting**

Janet Giris: Good evening Mr. Chairman. As you know, we were last before you; I think it was the end of April, and we received a number of comments from the board along with the directive to go the Architectural Review Board which we did in the month of May. We received approval from them, and we responded to the comments that we received from you in April. We submitted to you a revised plan and a letter to accompany that plan on May 29. I can go through the modifications to the plan that you requested, but we believe that we've addressed all of your comments and we understand that you have a draft resolution prepared and if you feel that we have addressed all your comments adequately, we respectfully request that you entertain that resolution this evening.

Chairman Cosentino: It's not that easy. Some other questions have come up that we want to discuss.

Vice Chairman Sturniolo: Forgive me but I've been away from the Planning Board, so I need a little catch up information. The interior usage in the layout is to store vehicles and to do cosmetic preparation and to wash the vehicle and then when that is done the vehicle is then, with dealer plates, driven to Goldens Bridge and it goes to the seller or the buyer; whoever, whatever.

Janet Giris: Yes.

Vice Chairman Sturniolo: And there is no maintenance being done in the shop.

Janet Giris: No.

Vice Chairman Sturniolo: I understand you're proposing to put a Mercedes Benz sign on the outside?

Janet Giris: No. The only thing that's being proposed is a small Mercedes Benz logo which is approximately 12 inches that is to be located on the awning. There is no other signage being proposed on the building, and this was approved by the ARB in May.

Vice Chairman Sturniolo: So the logo and the awning, since customers are not going to be there, serves what purpose? To direct your employees where to go to pick up a clean car?

Janet Giris: I think it's just an identification purpose. Something that the applicant chose to do.

Vice Chairman Sturniolo: The adjacent property; that's in separate ownership?

Janet Giris: It is being acquired by the applicant at this time in connection with the purchase of this property. So it will be acquired together.

Vice Chairman Sturniolo: And is that going to be tied into this usage?

Janet Giris: No. As a matter of fact that is the discussion that we've had with this board a number of times.

Vice Chairman Sturniolo: That's what I'm saying. Thank you for filling me in. What are you going to do with that?

Janet Giris: That property is encumbered by an easement. It's considered a right-of-way. There is nothing that can be constructed on there. It's only to be used as a right-of-way for access to at least the adjacent property here, but it's impossible to tell who else may or may not have rights over it. So it is a piece of property that is encumbered with a right-of-way.

Chairman Cosentino: It's very confusing.

Janet Giris: Yes. And, so, as Whitney had asked us to do at the last meeting, we added this note to the drawing which says it can't be used for parking, and that's something that is actually in the title report and in the easement document. That was part of the title report that we received. Now, we represent the applicant before this board. We don't represent the applicant in connection with the purchase. I provided the title report, but I don't represent him in connection with the purchase.

Vice Chairman Sturniolo: I need to, Mr. Chairman, go to the Joseph Scaltro letter and the lighting standards.

Chairman Cosentino: Understand Tony hasn't been here in a long time.

Janet Giris: No, no, I understand. That's quite alright.

Vice Chairman Sturniolo: The gist of his letter; he has looked at current Village standards. In the past year or so every time an application such as this came up with a lighting issue, we have told the applicants to ask the Village attorney for a copy of the newly proposed lighting standards that the Village is in the process of reviewing and adopting. Every applicant has agreed to do that. Were you told that same thing?

Janet Giris: No. I apologize we were not. What had talked about before this board, and I know you weren't here, and we spoke about it with your attorney and your consultant, was that the light in the front of the building; the building is so close to the property line that no matter what fixture was used there, it was virtually impossible to reduce the lighting level to below that and still have a discernable amount of light for security purposes. So what we were told to do was to look into some lower wattage lamps, which we did, to look at some down shielding lights, which is what we did and what we replaced it with and what we can get to at the property line is a little bit higher. We were told that the board would be willing to work with us provided that we did look into the other options. So that's why we had the lighting consultant take a look at it and prepare this letter for you.

Vice Chairman Sturniolo: And who said that the Planning Board would be willing to...

Janet Giris: That's something that we discussed. I think it was at the last meeting.

Vice Chairman Sturniolo: Oh, the Planning Board said? This board?

Janet Giris: Yes.

Vice Chairman Sturniolo: Oh, I'm sorry. Okay. The tone of the letter, especially the third paragraph that starts off *I have considered the Village requirements, the IESNA recommendations, etc.* To me, and this is one member speaking, it doesn't sound like your consultant really considered the Village requirements or pretty much said, yeah, I think I've looked at it but I'm not going to pay attention to it. I'm going to kind of do it a different way. That's my interpretation and that concerns me. The other question I have; no, at this point I think we need to go through other questions.

Joseph Morreale: I want to go back to the signage. I'm interested in this. I'm driving along on the road, and I see the Mercedes sign on the wall.

Janet Giris: There's no sign.

Joseph Morreale: There is. There's a logo. If I stop off, I might even see activity with the cars. If I stop off and I'm interested in purchasing, what am I told?

Janet Giris: There is going to be no customer interaction with anybody at this location. There will be two employees, who are inside this building, but there will be no visits to this building from customers, and if people do come to this building, they will be told that they cannot be... that they can't purchase here, this is not a showroom and they'll be directed to the showroom at Goldens Bridge.

Joseph Morreale: At Goldens Bridge.

Vice Chairman Sturniolo: Do you ever intend to have a showroom in Mount Kisco tied into this building?

Janet Giris: I don't know what the intention of the applicant is. As far as I know right now the intention is to use this building for warehouse purposes.

Joseph Morreale: I got an interesting letter recently; (I don't know I have a Lexus from Greenwich), from Toyota.

Janet Giris: Do you like it; I'm looking at them right now.

Joseph Morreale: I do, I do. I'd recommend it but then again these are great too. That isn't my point though. My point is they said to me all of a sudden out of the blue, gee if you want to get your next service to the car, why don't you bring it to Toyota? That really surprised me. This is the first I've heard of this. Lexus is coming into Mount Kisco, which I kind of like, obviously. Do you have any arrangement that is going to be like that? That if I own a Mercedes I can go to some other dealer?

Janet Giris: No. As a matter of fact, I know that a large part of their profit comes from servicing their own vehicles, so I can't imagine that the applicant would try to direct their business elsewhere.

Joseph Morreale: So all the servicing will be done in Goldens Bridge.

Janet Giris: Yes. There is a service facility in Goldens Bridge as well as the showroom.

Joseph Morreale: These are important things for us to hear because we keep wondering about this. It's solely going to be a prep facility?

Janet Giris: A storage and prep facility.

Joseph Morreale: That's it.

Janet Giris: That's it.

Vice Chairman Sturniolo: Will you ever be giving out loaner cars?

Janet Giris: From this facility?

Vice Chairman Sturniolo: Yes.

Janet Giris: No. This is intended to be new car storage only. Again, there is not going to be any customer interaction at this facility. This is only for storage of vehicles, and only employees will be there.

Joseph Morreale: How many cars do you envision to be seen on a weekly basis for prepping?

Janet Giris: We're not servicing any. We're talking about I believe the number was five to seven per week.

Joseph Morreale: Per week?

Vice Chairman Sturniolo: Where were the cars stored prior to your thought of doing this here in Mount Kisco?

Janet Giris: They've been stored at a number of different places. They have a storage facility which is on the bypass road at 117, which they recently sold. I think it was a little too large for their needs. They also do some storage on site at the Goldens Bridge facility in the rear behind the service facility, but it's just not enough space for them, and its expensive inventory; so to leave it out in the elements is something that they don't want to do.

Doug Hertz: In the minutes of March 13, when this came up, you guys were asked to label the temporary spaces and employees spaces. We were told that, yes that would be done. These are still listed as temporary spaces.

Janet Giris: I apologize. That was an oversight. That's something that if this board were to add as a condition of approval we would be happy to make that change. I apologize.

Doug Hertz: I think it would be important that we label the employee parking spaces here. That's been a repeated question; where they are going to be parking; that these don't de facto become Mercedes storage spaces.

Vice Chairman Sturniolo: Where are they going to be?

Janet Giris: Those are the three spaces in the front of the building.

Vice Chairman Sturniolo: Three spaces and you said there are going to be two employees?

Janet Giris: Right. And what is contemplated is that if they need to retrieve a vehicle from the site, two people will come down in one car from Goldens Bridge; the one person will get dropped off, retrieve it, go back.

Chairman Cosentino: Any other questions, nobody else? Alright we have a resolution before us.

Doug Hertz: Mr. Chairman, if I might, I'd like to get some of the information that's been provided by way of an answer to a question incorporated into the resolution so that the resolution accurately reflects the information that's been told to us about what the use is going to be.

Nanette Bourne: There are two places where this is described, one is in the Whereas' on Page 2, going in the conditions; and then there is also the issue of the lighting; what you want to do about that.

Vice Chairman Sturniolo: That concerns me very much. I'm not at this point satisfied with the answer that your lighting consultant gave in this document.

Janet Giris: I apologize for that. I'm sorry that you missed the conversations, because if you look at where the building is, it's just about on the right-of-way, and if we're to put any light fixture there at all it's going to shine on that property line, and it's really not a very bright light at all.

Diego Villareale: The property line is showing here, it's not shown; but if I was to draw it on, it really does just about that. So right at the curb line, it's not exceeding really .3 foot candles. So everything is really being contained from the curb line back, and you're still looking at very low light. Its 1.1. I believe 1.2 is your maximum foot candles and that's right at the building and it only decreases from there. So really when you look at the actual foot candles represented here, when you're in a parking lot underneath a light fixture, that can range anywhere from seven to ten foot candles, even higher depending on the wattage of the bulb. That's just within a parking area. So this is really some low level lighting.

Janet Giris: What's spilling into the street at street level is only .3, so that's below what your standard is.

Diego Villareale: The property line is, unfortunately, almost right up against the building there. And again the light fixture they chose is downward directed; everything really tried to contain just to provide some lighting right at that main entrance.

Vice Chairman Sturniolo: Mr. Chairman, am I correct? Tonight we're just going to kind of like fine tune this resolution, look at it, and make changes?

Chairman Cosentino: I think we should give it to Nannette to modify it and we'll take a vote on it tonight if you want. I don't see why we can't. It's here. You're going to make it part of the resolution.

Doug Hertz: Mr. Chairman, I'd like to thank the applicant for creating this landscape plan and taking the pains to look at some of those. I think it's a big improvement.

Janet Giris: Thank you sir, I appreciate the comment.

Chairman Cosentino: Whatever you want, we can make it as a condition.

Vice Chairman Sturniolo: I'm just one voice.

Chairman Cosentino: We can make it as a condition. This has been before us now for awhile. I would just as soon get it off the table. There is nothing more they can do; they've done everything. They've complied with everything including a \$50,000 piece of equipment to wash cars for recycling. There is nothing else they can comply with.

Doug Hertz: Shall we go through the Whereas' and the conditions and see if we're satisfied?

Chairman Cosentino: We can do that, yes. Just add anything you want on to it.

Doug Hertz: I'd like to, if I may. Let me just read through the Whereas'. Going to the bottom of Page 1 after the recitation of all the various documents; *Whereas this Board has referred this application to the following boards, commissions and agencies...* I'm sorry, we'll go past there, after the approvals. *Whereas the applicant proposes a car storage facility in an existing warehouse building; Whereas the applicant has represented to the Planning Board that the facility shall be utilized solely for car storage, washing, and preparation; Whereas the applicant represented to the board that the carwash shall utilize recycled water; that car service and repair will not be conducted on site, that car sales will not be conducted on site, that the site will not be utilized as a showroom, that there will be no trailer drop-off on the site.*

Janet Giris: Those are all accurate.

Doug Hertz: I'd like to basically have something that states even though it may be included or redundant, that there are essentially no one other than employees... I don't know how to phrase this...

Janet Giris: No retail activities conducted at the site?

Whitney Singleton: I think the applicant's representative set a... when she said that no customer interaction will occur on the site.

Janet Giris: Or no retail activities will occur on site.

Stanley Bernstein: No customer interaction is better wording. Mr. Chairman, I just want to go back to Whereas Number Two. There is a typo. Its either applicants have or applicant has. And there is only one applicant.

Doug Hertz: So can we add that Whereas about customer interaction.

Whitney Singleton: You'll notice that these whereas' are replicated as conditions later on.

Doug Hertz: I have noted.

Whitney Singleton: So that Whereas can read Whereas the applicant is represented to the Planning Board that car sales will not be conducted on site and that no customer interaction will occur on site.

Chairman Cosentino: Okay, anything else?

Doug Hertz: I'd just like to make the condition that the site plan be modified to include the employee parking space designation. Those are all my comments.

Nanette Bourne: The site plan shall be modified to include the employee parking.

Janet Giris: To re-name the...

Doug Hertz: That the temporary parking spaces...

Janet Giris: Be relabeled employee.

Doug Hertz: Whitney, refresh me. The parking requirement for this site was?

Janet Giris: Nine spaces.

Doug Hertz: Nine spaces. So we have three listed as temporary and six listed as required by zoning, or whatever the designation is to satisfy zoning.

Whitney Singleton: I think you'll have representative; they weren't going to have as many employees as the underlying owners did. Not to take you off track, one of the things that we've been discussing for the past meeting or two and not necessarily in conjunction with this site, is to represent in the resolution the use of the garage and as parking plan, because some of these uses are starting to morph into other uses, and when you go back and look at a site you don't necessarily know what was the required parking for that site. We should specifically state in here that the parking was based upon a warehouse use.

Nanette Bourne: I'll add that as a Whereas.

Doug Hertz: And therefore, the first nine spots are designated as required by zoning.

Nanette Bourne: So as a condition the site plan should be modified to designate nine spaces for employee parking?

Janet Giris: I think it was that the spaces that are on the plan shown currently on the plan as temporary parking spaces to be re-labeled and designated employee parking spaces, but that the... including those spaces and six additional spaces are the spaces that are required for this particular use under your zoning ordinance.

Whitney Singleton: Why don't we just say that there should be nine required parking spaces for employees?

Doug Hertz: Okay.

Whitney Singleton: Let's not even say that. Why don't we simply say there should be nine required off-street parking spaces acquired within the building?

Janet Giris: That's fine. I think that's better.

Doug Hertz: But I want to make the distinction between parking spaces that are being used for storage because those are still parking spaces. That should the use change, or should their use become more intensive, that the first nine spaces are employee available spaces. So should they increase their use or slightly vary their use of the space within the conditions of the resolution.

Janet Giris: It's not necessarily an employee space with all respect. It's an off-street parking requirement under your zoning code, and that's what the requirement is. Its nine off-street parking spaces, which are required under the zoning ordinance.

Whitney Singleton: Technically what the code goes on to say is also exclusive of fleet vehicles. You want to make sure that this doesn't become just additional storage area, is that what you're saying, Doug?

Doug Hertz: They are parking spaces. They could all be parked up. I'm trying to come up with a way to make sure that the employees are parked inside.

Janet Giris: There is no parking on the street allowed. There is no parking on the right-of-way allowed.

Stanley Bernstein: They can park in Saw Mill Club.

Janet Giris: They could park over at Lexus and walk, but you know they are not going to do that.

Doug Hertz: I think we just clearly need to designate how many.

Joseph Morreale: I have an additional question then, which I ask legal counsel. If these are parking spaces now, all of a sudden instead of storage spaces, do they change size or do they meet the regular code for spaces, or what?

Whitney Singleton: They should.

Joseph Morreale: Do they have to be 9 ½ by 18?

Whitney Singleton: Yes.

Joseph Morreale: I'm looking at the footage here and I don't see that, unless I'm misreading something.

Doug Hertz: Long-term storage may have a slightly different foot print.

Joseph Morreale: That's what I thought, and so if you're starting to say more parking spaces then you're going to start affecting the way they'd be able to store.

Whitney Singleton: Are you talking about the storage or are you talking about the employee parking?

Joseph Morreale: I'm talking about both. Right now they show three.

Chairman Cosentino: Storage doesn't have to be 18 by...

Joseph Morreale: But how many parking spaces are you going to require for active parking for employees? Is it three, eight, what is it?

Whitney Singleton: Nine.

Joseph Morreale: Nine. Do they have to be then, larger, and how does that work? I don't understand that. I thought this was set up correctly; the way it's presented. I'm just trying to clarify.

Chairman Cosentino: They were there.

Whitney Singleton: Joe, I don't have a ruler. I didn't measure these spaces. I just assumed they were right.

Joseph Morreale: I'm looking at the feet that are designated on the smaller diagram.

Diego Villareale: You're talking about which spaces now?

Chairman Cosentino: The three spaces in the front of the building.

Diego Villareale: These three spaces?

Chairman Cosentino: Yes.

Joseph Morreale: Those look like they are the correct size. If you go beyond those, those are only sixteen...

Diego Villareale: These are shorter, for sure.

Joseph Morreale: Sure they are. I don't have a problem with that. I'm just asking the question; what are we doing here?

Whitney Singleton: Joe, I don't mean to be obtuse, but I don't see where you're seeing a dimensional...

Doug Hertz: It's on this. It's on the landscape plan.

Joseph Morreale: It's on this; its sixteen feet.

Diego Villareale: It's on this plan as well. The depth of these storage spaces...

Doug Hertz: Are 16 and 15 respectively with an 18 foot line.

Chairman Cosentino: But they're storage spaces.

Diego Villareale: Correct.

Joseph Morreale: Fine.

Janet Giris: But we're designating six of them for parking requirement purposes. In reality...

Doug Hertz: As parking requirement purposes, do they comply?

Chairman Cosentino: No.

Joseph Morreale: That's why I raised the question.

Chairman Cosentino: They don't comply with our code now.

Diego Villareale: If they were extended two feet to reduce the isle width in front of those parking spaces, would that satisfy the board?

Chairman Cosentino: How many feet would you have between those parking spaces?

Diego Villareale: Right now there are 18, so there would be 16.

Chairman Cosentino: How are they going to back out with 16 feet?

Ralph Vigliotti: Very carefully.

Vice Chairman Sturniolo: Mr. Chairman, could I make a suggestion? Maybe tonight is not the night to vote on this, until we get some definitive answers to subjects such as this that we're discussing.

Chairman Cosentino: The problem is that doesn't meet our code. That's the problem. You know what happens, somebody else picks that up and then they come before us and they say, hey, Charisma has 16 feet, why can't I?

Stanley Bernstein: Yes, but Mr. Chairman, this is indoors.

Chairman Cosentino: This is indoors?

Stanley Bernstein: I don't see where any other applicant can use this as criteria.

Chairman Cosentino: Oh, it's indoors.

Vice Chairman Sturniolo: What happens if this building gets sold to another applicant?

Stanley Bernstein: If the parking is indoors they can use the same parking.

Chairman Cosentino: They have to come back. Any change of use has to come back before us.

Janet Giris: We had to come here because we were changing from one warehouse use to another warehouse use.

Chairman Cosentino: They have to come back before us. I don't know what I was thinking of. That's inside.

Janet Giris: You have control over that.

Joseph Morreale: That's why I asked the question.

Chairman Cosentino: Yes, it's inside.

Vice Chairman Sturniolo: So our Village code has different parking size stalls for inside and outside?

Chairman Cosentino: I don't know.

Whitney Singleton: They're exactly the same except for anything inside can't have a grade of greater than 10%. Otherwise the requirements are identical.

Vice Chairman Sturniolo: So it has to be nine six by eighteen?

Whitney Singleton: Right, and for this parking lot nine six by eighteen.

Diego Villareale: If that does become an issue, we probably do have the abilities since it's still within this property to stripe some additional parking spaces in the back.

Chairman Cosentino: You have to put it on the plan. It's gone a little too far now. I wanted to approve this, but I'll get my donkey chewed out if it's not on the plan and we approve it.

Diego Villareale: I understand.

Chairman Cosentino: I'm not going to vote on it tonight, I can't.

Diego Villareale: I understand.

Ralph Vigliotti: Let's move to table this and try to get it on at the next meeting. That's all we can do at this point.

Chairman Cosentino: Do we have to table it or pick it up at this point when we come back?

Joseph Morreale: I want to clear that my intent was not to obstruct or delay. I was concerned, that's all. I thought originally we agreed on three, and if we were going to eight it does change the dimensions. That's all I was worried about.

Chairman Cosentino: It's a technicality that can hurt us in the future. It can come back and bite us in the future.

Janet Giris: If we are unable to stripe six additional spots in the rear, do we have to go to the Zoning Board?

Chairman Cosentino: You can't find six spots you can stripe?

Doug Hertz: Or you can figure something in the interior.

Diego Villareale: We'll have to look at it.

Chairman Cosentino: Just look at it in the interim and get back to us.

Janet Giris: Do you have any other outstanding issues that we need to address as well?

Chairman Cosentino: No, they are all taken care of tonight; not unless you have something on the lighting?

Vice Chairman Sturniolo: Now you have an opportunity to look again at that lighting. Look again at different fixtures, look at full cut-offs, look at different angles.

Diego Villareale: It all has been evaluated.

Janet Giris: That's what we've done here tonight. Your comments are essentially the same conversation that we had at our last visit with the board, and that's why we got a lighting engineer to take a look at this and to try and reduce it. Again, they looked at a number of different fixtures. They tried different wattage bulbs, and they just couldn't get a lighting level that was worth having a light for. It didn't provide the necessary security. So, again, it's sort of deceiving because the property line is very close to the building, but the actual street is out here a little bit further and at the street is .3.

Vice Chairman Sturniolo: I understand that.

Chairman Cosentino: Go back to the drawing board. Nanette, before it comes back make sure it's okay.

Janet Giris: Now is that going to be your second meeting this month or does this mean we need to come back?

Chairman Cosentino: We only have one meeting in July and one in August.

Stanley Bernstein: The 24th of June.

Vice Chairman Sturniolo: No. The 26th of June is a work session and all submission dates are June 12, which is today.

Janet Giris: We could probably get something to you tomorrow or Thursday.

Vice Chairman Sturniolo: Then the next meeting is a combined work/regular session. The cut-off date is June 20, which is July 10. That would be the target to meet.

Chairman Cosentino: If everything is okay we can approve it then.

Janet Giris: I'm sorry could you repeat the submission deadline for that?

Vice Chairman Sturniolo: June 20th, for a combined regular/work session meeting of July 10th.

Chairman Cosentino: Sorry.

Janet Giris: See you in July. Thank you.

Special Discussion

**Thistle Waithe Learning Center
720 Main Street
Fountain of Eternal Life Church**

Chairman Cosentino: We have a special discussion here. This application is very confusing. This application throws me off, because first of all it says we are seeking a

temporary location. From where? That's number one. Then, if you turn the page, the environmental form says The Knights of Columbus again, and it doesn't say the church. This application says the Knights of Columbus, not the church.

Whitney Singleton: I think what they're doing Joe, now that I'm looking at it; they're coming to Mount Kisco to build a site at 720 Main Street and rather than go through the measure of reiterating the substance of their application, they just give you a copy of what they submitted to Bedford.

Chairman Cosentino: I can't work on an application in the wrong... you can't close a house with it not being your house. We're talking about one thing, and now an application for another. I see something over here, 1852 Membership Corporation, One Turner, that's again the Town of Bedford. I need an application that states what we're talking about and who it's for. Right now I'm talking about the Knights of Columbus on an application. But yet we're talking about a different site.

Nanette Bourne: Is this an application?

Whitney Singleton: No, it's not.

Nanette Bourne: This is just for information. That's why there is no application.

Chairman Cosentino: Okay, what are we going to talk about? Where do they want to go? Show me a letter where they want to go.

Whitney Singleton: This is for the Elk's Club.

Chairman Cosentino: But my question is... where does it say in their correspondence here... where does it tell us what they want to do? All I see is special permit for Turner, everything is for Turner, and everything is for Turner on every piece of paper that I'm looking at here. There is nothing saying that the church even wants them there, and yet we're entertaining it. We're entertaining something that we have no information on. Is that what we want to do?

Vice Chairman Sturniolo: That's the Cassidy memo.

Chairman Cosentino: Do they want to go to the Fountain temporarily? Is that what they want to do?

Nanette Bourne: Yes.

Chairman Cosentino: Then what are they going to do?

Stanley Bernstein: Why did he include twenty pages of Knights of Columbus?

Chairman Cosentino: That's what I'm trying to say.

Stanley Bernstein: It's crazy.

Nanette Bourne: That was the initial application to the Town of Bedford.

Stanley Bernstein: So why does it come before us?

Nanette Bourne: Because Austin just forwarded the application that the Village originally received as background information for the board.

Stanley Bernstein: It's a silly way of doing it.

Chairman Cosentino: The only thing we have to go by is Austin's response. That's the only thing I can go by over here.

Nanette Bourne: When this was originally received it caused a huge uproar with the neighborhood.

Chairman Cosentino: Yes it did. Do you know how many phone calls I got?

Nanette Bourne: Yes.

Chairman Cosentino: So let's go by Austin's memorandum here. That's all we can go by. *A not-for-profit program presently in Katonah met with me on 5/7. They wish to temporarily locate at the Fountain of Life Church while they are acquiring a permanent*

site in Lewisboro. The stats are as follows. Now, the problem is how long is this going to be?

Sol Gibbons: It says about a year.

Chairman Cosentino: This is what they want to do. Now, just remember one thing. They can do this as of, right Whitney?

Whitney Singleton: That's what Austin's assessment is.

Chairman Cosentino: Do you agree?

Whitney Singleton: To tell you the truth, I haven't looked at it enough.

Chairman Cosentino: It's a dangerous intersection. There are a lot of cars to be going in and out.

Whitney Singleton: I know it's a heavily trafficked intersection.

Chairman Cosentino: Yes, especially in the morning when they want to go.

Whitney Singleton: And Austin told me they were coming in as of right, and I said to him, well, that may be, but the ingress and egress could be very problematic at this site particularly at peak hours.

Chairman Cosentino: Right. I think we're between...

Whitney Singleton: Between a rock and a traffic light?

Vice Chairman Sturniolo: This is the key to what he is saying right there. The nota bene.

Chairman Cosentino: *Planning Board approval does not appear to be required in this case, as this is a code recognized supplementary use for a place of worship. The place of worship still remains the principal use.* What does he want us to do? Just let us know?

Stanley Bernstein: If you go to the first paragraph in his memo, he uses the term informational discussion in anticipation of their initiation of this use.

Chairman Cosentino: You're not going to stop them from using it because they have the right. There is nothing that we can pick on, traffic or anything like that. They can have a wedding there and have a lot of traffic, you're not going to stop them. This is just a temporary thing.

Whitney Singleton: The child day care center?

Chairman Cosentino: Yes, it's temporary.

Whitney Singleton: Does it have an outdoor play area? It still has to be certified by the building inspector as being in compliance for safety requirements.

Joseph Morreale: The only time he says that we would get involved is if they revamp the caretaker's cottage.

Vice Chairman Sturniolo: Right, because that becomes the change there. Then in the second paragraph it talks about a temporary location because they're looking to acquire a permanent site on the Lewisboro property.

Chairman Cosentino: Here's the problem with something like this, and I don't know how you handle it. They are a not-for-profit church. But now they are renting this place out for profit. It's not for their own kids. They are renting the place out for profit. How do you handle that?

Doug Hertz: I think that's a tax issue.

Whitney Singleton: Look at the use, not what they're being paid. I think you're better served just focusing on the use. The issue of whether they are being paid rent or not being paid rent really shouldn't be pertinent to your board's discussion.

Chairman Cosentino: Thank you. I drop it. I have no problems with them using it as a daycare center, because ultimately at the end they are going to do it anyway. You're

going to have Pastor Vega come here and say why not, I can do it. Anybody else have a problem? Maybe that's the answer they're looking for.

Ralph Vigliotti: It's just a lot of traffic going in and out of there.

Chairman Cosentino: I know that. He's going to have a wedding there every Saturday, there is going to be a lot of traffic.

Ralph Vigliotti: That's an occasional use.

Chairman Cosentino: This is an occasion for one year.

Ralph Vigliotti: This is day in and day out for one year.

Vice Chairman Sturniolo: Five days a week.

Ralph Vigliotti: One year could be sixteen months, too.

Chairman Cosentino: You want to be the one to try and stop him?

Ralph Vigliotti: I'm not trying to stop him; I'm just pointing out a point of interest.

Whitney Singleton: With regard to this, let me just say the following: generally speaking, throughout the Village, daycare facilities and religious groups and everything else that come part and parcel with religious uses. Even if this is one religious use is renting out to an unrelated day care facility, they are generally in part and parcel. But my recollection is that when this church went in, it was not such an easy sale, it was contested, and it went to court if I'm not mistaken. That the church's use of the site was actually went to litigation.

Chairman Cosentino: I don't think it went to litigation. I was on the board; we allowed them to have it.

Nanette Bourne: It was contested when they had an original ambitious plan, but then they scaled it back.

Chairman Cosentino: Yes. It never went to court.

Whitney Singleton: I thought that your board required a Special Use Permit out of it.

Chairman Cosentino: I don't remember that part.

Whitney Singleton: I'm pretty certain.

Chairman Cosentino: But anyway, the question is do we allow them to use it and limit it to one year?

Whitney Singleton: The only thing I'm saying is generally this would be allowed. But what I'm saying is, in the context of what I understand the past to be past history of the site, there may be limitations that are self imposed regarding the use of this site that I'm unaware of.

Chairman Cosentino: Can you find out and let us know? We can't give them an answer tonight. Find out and let us know.

Whitney Singleton: I don't think he's looking to have him give you an answer. He's just telling you.

Vice Chairman Sturniolo: It's an FYI approach.

Whitney Singleton: If you want me to have Austin look into any limitations that were imposed by the application...

Chairman Cosentino: Yes, just do that.

Vice Chairman Sturniolo: And then also a look at the potential traffic impacts in broad stroke terms.

Ralph Vigliotti: It is, because the pet store at some point, that building is going to be occupied and we had a concern there with ingress and egress of extra vehicles. This exacerbates that and compounds the ingress.

Whitney Singleton: There is no doubt about that.

Ralph Vigliotti: It's an FYI but we have to consider what's going in. At one point CVS was looking into that building. I guess really you need to look at the resolution to see what the restrictions were that we put in place.

Chairman Cosentino: Next is correspondence. A letter from Andrea Oncioiu to Jeffrey Contelmo dated May 29 regarding Mount Kisco Public Library.

Nanette Bourne: Just to update you. These are dated from early May, and the Village has received both the DEP and DEC permit on the library.

Chairman Cosentino: Anything else that we want to bring before this board before we adjourn? Motion to adjourn.

Adjournment:

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

Meeting adjourned at 10:05

Respectfully Submitted By,

Stanley Bernstein
Board Secretary