

**Minutes
Meeting of the Planning Board
Regular/Work Session
Village/Town of Mount Kisco
Tuesday, July 10, 2007**

Meeting called to order at 8 pm, Tuesday July 10, 2007, at the Municipal Building Mount Kisco, New York.

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

Members Absent: Ralph Vigliotti
Joseph Morreale

Staff Present: Nanette Bourne
Anthony Oliveri
Whitney Singleton

Minutes, April 10, 2007 Approved

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

Minutes, May 8, 2007 Approved

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

Special Discussion:

**Pour
241 Main Street
Application No: PB2007-11
Present: Anthony Colasacco**

Chairman Cosentino: You're going to be buying Bolo Bar? I understand you're in contract with it, and we have a provision on the time it opens, the time it closes.

Anthony Colasacco: Yes, I'm under that understanding, but when I leased it that wasn't brought up; nor did the owners of the property were aware of that.

Chairman Cosentino: It should have been brought up. The attorney that you're using was the one that they were using. I take umbrage to your letter also. There are a lot of inconsistencies in that letter that you wrote. Number one, a whereas, is part of the resolution.

Anthony Colasacco: Actually someone drafted that for me, so it's not my language.

Chairman Cosentino: I figured that. There was a reason for the prior owner, before, I forgot his name anyway. There is an office upstairs.

Anthony Colasacco: Correct.

Chairman Cosentino: And the problem was the parking for upstairs during the day was greater than downstairs. So he said, he quoted, "I don't have to open till five or five thirty. That office will be closed upstairs." And we also mentioned there are residents in

the back. You have a bar, not a restaurant. He said, "Oh, I won't be open up till after 11:30 at night." It's not this board that said you have to open and you have to close at a certain time. He agreed to it, of course we went along with it, it was a good idea. You're asking for relief on that.

Anthony Colasacco: Yes. I personally don't think that I'll survive on six hours only. I used to go there. I was good friends with Michael, the original owner the guy who apparently must have made this statement, and I honestly didn't get there till I closed my other restaurant.

Chairman Cosentino: You picked up a resolution before...

Anthony Colasacco: No, no. I walked in to pick up an application for a sign, and this came up.

Chairman Cosentino: I just want to address some things in your letter. Number One, you have an application before us. The application was \$500 and that stands. You're not going to get your money back on that. So we'll clear that up right away.

Anthony Colasacco: Okay.

Chairman Cosentino: The hours we have to work on. The Whereas is part of the resolution, so whoever drafted your letter, let them know the Whereas is part of the resolution. Okay, go ahead; I just wanted to straighten those few things out. Tell us your story now.

Anthony Colasacco: I had never mentioned anything about being opened during the day; starting early. Lunch crossed my mind once; if that's not an option, that's not an option. There is no way that I can survive on six hours a night. It is going to be a lot more food oriented. It's not necessarily a restaurant. It's going to be a wine bar, light food, but what can be made in there; Paninis, cheese plates, etc., but I'm gearing for a different crowd. I'm not going for the young or nightmare type of a crowd. I'm going for a little older, more upscale. There is no way I'll survive on six hours a night. It's impossible. I'll be out of business in no time.

Chairman Cosentino: Didn't you know this before you went into contract?

Anthony Colasacco: No I didn't. The first I heard of this was when I went to put in my sign application. That was the first thing I was told. I believe it came from the gentleman upstairs, and they said you can't open for lunch.

Chairman Cosentino: When did you find this out?

Anthony Colasacco: Maybe a month ago. I went in, like I said, just to pick up a sign application. The first thing; I believe it was Nancy who said you can't be open for lunch. I never mentioned lunch.

Chairman Cosentino: I think you knew before that, but I'm not going to argue with you.

Anthony Colasacco: No, no, honestly because I would never have taken...

Chairman Cosentino: I think you were told by somebody.

Anthony Colasacco: No, honestly I was not. I had asked everybody involved. I even spoke to Michael the previous owner, tonight, and he said he knew nothing about it. Whether he's lying to me is another story.

Vice Chairman Sturniolo: We're only going by the second page of the letter which has your signature. Whoever drafted the letter for you didn't do the proper research and probably a disservice to you. You talk about lunch. Well, lunch is clearly out of the question on this approval.

Anthony Colasacco: Like I said, I walked in just to pick up the sign app. I'm not looking to be there from morning to night.

Vice Chairman Sturniolo: As a matter of fact, as you read the resolution, it goes on further to state that the only food that can be served is light finger food, snacks, and I think they use the Spanish term Tapas.

Anthony Colasacco: That's exactly what I'm doing. I don't have a copy of the menu, I should have brought it. It's light. Cheese plates, there is really no kitchen to speak of. There is a Panini grill.

Chairman Cosentino: You're not going to put a kitchen in.

Anthony Colasacco: No, I can't. There is no kitchen. I am basically modeling it after a much smaller place in Manhattan with a toaster oven and a Panini grill.

Chairman Cosentino: So you won't be open till after five? Is that it, five, five thirty?

Anthony Colasacco: No that's fine. I'm a single guy and I have to feed my kid before I head off to work and do what needs to be done.

Chairman Cosentino: But you intend to stay open until after 11:30 for survival?

Anthony Colasacco: Absolutely. I don't think I could survive without it. I couldn't imagine having people there and telling them they have to leave.

Chairman Cosentino: What happened up there, it's all closed off now?

Anthony Colasacco: A tree fell on it and a wire hanging across the road. I mean 5:00 is perfect. He closes at five, and I come in at five.

Chairman Cosentino: How do you feel about parking? You say you want to survive.

Anthony Colasacco: I intend to do what Michael did and take it even more so than what Michael did. Exactly. It's upscale, that's why I'm going for a wine bar. I'm not looking for the kids; I'm not looking for a headache. I'm not looking for problems.

Chairman Cosentino: You got that on record?

Anthony Colasacco: The last thing I need is a headache.

Chairman Cosentino: So the only thing here is the hour of closing.

Anthony Colasacco: I have no intention of being there till four in the morning, while getting up at six to get my son up.

Chairman Cosentino: You have no intentions of having a cabaret license, either, right?

Anthony Colasacco: No. Not even a desire to have one. Don't want one. That was never a question as well.

Doug Hertz: Joe, what's the proximity of this to the residences in the rear?

Chairman Cosentino: The rear. The back of the parking lot. And, of course, next to it, to the left of it, as you go in the driveway there is a Barton's upstairs. The only place where there is nothing is the former Luna's, which is really a restaurant, not a bar. And of course the parking there is far more south. What is the pleasure of the board here? Do you want to think about this a little bit?

Stanley Bernstein: Do we have the authority to change the hours?

Chairman Cosentino: There is a resolution here. We can hold them to it.

Stanley Bernstein: He would have to submit another application in order to change the hours. We don't have that authority.

Chairman Cosentino: He already submitted an amendment to the application. No. This is a resolution. In order to change this it has to go through this board. We don't have to change it, we can leave it the way it is and he can do what he wants.

Stanley Bernstein: I don't think we can legally change it.

Chairman Cosentino: Counsel, can this board legally change it?

Stanley Bernstein: Without another application, a re-application?

Whitney Singleton: I believe the applicant is seeking two things in the alternative. One, a clarification; or two, a modification for the existing approval. If your board wants him to submit an application with a fee or a modification to the existing site plan, your board is welcome to entertain that.

Stanley Bernstein: In other words you're saying it's legal. It can be done.

Chairman Cosentino: It can be done, we don't have to.

Whitney Singleton: If you want to draft a resolution from that...

Vice Chairman Sturniolo: And that would entail a site plan, lighting, landscaping, the whole nine yards, because this then gets pulled off the table and you would submit a brand new application.

Anthony Colasacco: I'm asking then if you do have the authority to change that then it would be a lot less, honestly, on my wallet and everything else to do that without me having to go through yet another hurdle. I just don't want to be looked upon as the previous owner who had all the problems.

Chairman Cosentino: We're not. But what we have to do for you we have to do for the next person. So what we have to do now is make sure that it's the right thing. So Whitney are you saying another application here, or a new site plan?

Whitney Singleton: No, what you have before you is a resolution of your board from 2003, which has certain conditions associated with its approval. The applicant is requesting that that resolution of approval be modified.

Chairman Cosentino: So then I'm going to repeat what I said then. If we want to we can amend the resolution, or we do not have to amend the resolution. It's up to this board.

Doug Hertz: To me the issues are really one of noise. We're not discussing parking because we're talking about 11:30 to 2:00 am, so there doesn't seem to be any parking impact that's going to be involved. We're talking about a noise impact. So I'd be curious to know what the current noise statues are. Are they strong enough as written to protect the tenants or is this a special case where were going to need to add some additional language?

Whitney Singleton: If you want me to give you an assessment of what the noise ordinance is I'd be happy other than the local law regarding noise; it's obviously not going to be as restricting as what you currently have. The applicant has represented that he will not be seeking a cabaret permit?

Anthony Colasacco: Yes.

Whitney Singleton: I don't know what the representation is with regard to the use of the porch. That's historically where noise is imminent.

Chairman Cosentino: What is the use of the porch?

Doug Hertz: Is there music outside, piped in over speakers, for any of the exterior space?

Anthony Colasacco: No. If I can't have it out there, I can't have it out there. It's not an issue.

Chairman Cosentino: But are you having tables outside?

Anthony Colasacco: There were chairs out there. Wine bars are generally seventy, eighty percent women. I'm going for a much mellower, higher end sip or glass of wine; have a piece of cheese atmosphere. I'm not looking to become a club owner. I don't want noise hassles, grief. And I'm also aware that I'm going to be under a microscope due to the previous owner.

Doug Hertz: There are also issues of noise in closing up throwing out bottles; the sounds of closing up. Dumpsters, garbage, all that at 2:00 or 3:00 in the morning.

Anthony Colasacco: Honestly, that would probably be something that I would take care of during the day. If I have to do what needs to be done to survive, I will do it. I don't see myself crashing there are no dumpsters. There are garbage cans out back. If I have to clean up in the morning prior to opening, that's not a problem as well.

Vice Chairman Sturniolo: On the first page of the application site plan subdivision approval, by the mere fact that its hand written where it says type of application, check one of them, and nothing is checked. The mere fact that it's written "resolution amendment," does that legally and technically change the complexion of this document

which is titled Application for Site Plan Subdivision Approval? There is no application that we have that is called a Resolution Amendment to a Previously Approved Site Plan.

Anthony Colasacco: That could just be my lack of law knowledge in filling out an application.

Vice Chairman Sturniolo: Did you fill this out?

Anthony Colasacco: I filled this out to the best of my knowledge.

Vice Chairman Sturniolo: Because I don't want to see us get drawn into just saying we're going to amend the resolution predicated on this piece of paper as opposed to a new site plan. And I need to be crystal clear with you, and I'm just one voice, but even if you submitted a new site plan that's not going to guarantee that it's going to be approved. I have a very serious concern about the neighbors on two sides of you, and noise.

Chairman Cosentino: Do I understand he doesn't need a new site plan?

Whitney Singleton: First, the Vice Chairman is correct that under our Code 110 45-6, that says any application for an amendment of an existing site plan shall be made in the same fashion as the original application.

Chairman Cosentino: So he's going to need a new site plan?

Whitney Singleton: If he is altering the site. He's altering the condition of his existing site.

Chairman Cosentino: He's not altering the site.

Whitney Singleton: He's seeking a modification of the existing condition if it's approved. So, yes, he would be altering the site plan resolution.

Chairman Cosentino: He is not?

Whitney Singleton: He is altering his conditions relative to the site plan resolution, which may mean no physical alteration in the site plan itself, but it's an alteration of the condition of approval. In other words I don't think you're proposing a physical alteration to the site?

Anthony Colasacco: No. None whatsoever.

Chairman Cosentino: So go ahead, Tony, continue. We got that verified.

Vice Chairman Sturniolo: So, that's where I'm coming from. But again, I'm repeating myself, and I promise you I won't say it a third time. If you do go the route of submitting a new Application for Site Plan Approval do not think that is a guarantee that it's going to be approved. It's like starting from scratch. It's like as if these two sheets were never here and you came in with another document on another night. It's not a guarantee of approval. It's a procedural thing, and there's a check that needs to be associated with that as well.

Anthony Colasacco: I understand.

Chairman Cosentino: So you have to go back to the drawing board.

Anthony Colasacco: So that you can do what I'm asking to do?

Chairman Cosentino: Not now, not at this time. You need to talk to the Building Department again, and we meet again in August.

Vice Chairman Sturniolo: Also, what is the proposed use? It says café and wine bar. I know what a wine bar is; what do you define café as?

Anthony Colasacco: Light food, exactly what is in there. Just something that let's somebody know there is some form of food there.

Vice Chairman Sturniolo: Which you need to provide legally in New York State if you're serving liquor.

Anthony Colasacco: Oh, yes, I originally had Panini and Tapas. I just decided café was a little shorter than putting Panini and Tapas. Tapas is very much Spanish, and I don't want to lock myself into Spanish food.

Vice Chairman Sturniolo: And Pour? P O U R? French for?

Anthony Colasacco: No, not French. If you see the card you'll get it.

Vice Chairman Sturniolo: Oh pour, as in pour a bottle of wine.

Anthony Colasacco: Yes.

Chairman Cosentino: What you need to do is go back to the Building Department and they will have all the details for you. When do we meet again?

Doug Hertz: Joe, just so I understand, what are you requiring of him?

Chairman Cosentino: My understanding here is that he needs a new site plan.

Doug Hertz: That's not what I heard. That's why I'm asking.

Chairman Cosentino: Do you want to repeat that for Doug?

Whitney Singleton: I said that applications for amendments to site plan are received and entertained in the same fashion that original documents are, and there is an existing site plan that this board approved at some point in time, when the building was modified, and there was a resolution modifying the permit use and modifying the conditions of the permitted use by your board in 2003. Before your board now is an application to further modify that resolution approved. It does not necessarily entail the modifications to the site itself. It entails modifications to the use and conditions related to this. So your board has within its powers to look at any and all of the elements of 110 45 of the code; whether landscaping, lighting, parking, paving and the building elevation depth; I don't think any of those things are proposed to be changed, but that is your board's discretion.

Doug Hertz: So you can probably get from whomever the current owner is the site plan that was there. You probably don't have to do anything to it but change some title information.

Chairman Cosentino: That's why I said he's got to go to the Building Department. They have it all down there.

Doug Hertz: If you do not propose any physical alterations and then we're going to need a narrative describing, making it very specific, hours of operation, and all the other related parts.

Chairman Cosentino: That would save you time and money to go down there. Our next meeting is August 14. So if you could make the August 14 meeting, but make sure you have all your stuff, check with the Building Department, and we'll see you on August 14.

Anthony Colasacco: Okay.

Vice Chairman Sturniolo: Also check on the days when it has to be submitted. August 14 would be stamped July 25.

Chairman Cosentino: Thank you.

Special Discussion:

Village of Mount Kisco Safe Water Yields

Present: Mr. Brian Parker

At this time, Mr. Brian Parker gave a presentation about the sources of water in the Village and professional estimates to the amount of water available from those sources during extended periods of below normal rainfall. Mr. Parker is a former Planning Board Member.

Chairman Cosentino: I'm going to take one out of line.

Site Plan Review:

**345 Lexington Avenue
PB2007-10**

**Present: Kent Theusen
Recused: Chairman Cosentino**

Chairman Cosentino: I'm going to recuse myself from this because I had dealings with the particular building that we're talking about. Vice Chairman Sturniolo will take over.

Vice Chairman Sturniolo: What we are faced with in Mount Kisco is the Village wide concern about your property at 345 Lexington and the commercial vehicles that you currently own using the extension road in the back traversing into a "residential" neighborhood. The concern is serious on the part of the Village, hence the reason why you were asked to come here, to come up with a solution. We know one of the solutions really isn't viable, and that is to use that 20 foot access that you legally have to the right hand side of your building to get out onto Lexington Avenue because of safety site lines, etc., etc. You agree with me on that, so we're here now to listen to what you are proposing as an alternative. There is a memo, and I'll give you a copy of it that the Village building inspector put together. You should have a copy of that in fairness to you, and at this point just tell us what your game plan is.

Kent Thuesen: One of the things I did was I met with Bob, who is the owner of the Henry Delicatessen right next door to me to try to see if I could get an access to the back.

Vice Chairman Sturniolo: Because we don't have a plan in front of us, just go specifically, visually, where Henry's is in relationship.

Kent Thuesen: Henry's is to the right of me. It's the building to the right of me. Its Henry's Delicatessen, and if I could ask him to remove one parking spot and make an access from his parking lot into the back of mine it saves me from bringing my trucks through the West Street extension to the rear of 345 Lex. So, he is compliant with it, he would allow me to do it as long as I could help relieve the problem of keeping commercial vehicles from going through the residential area.

Vice Chairman Sturniolo: At night where are your vehicles normally kept?

Kent Thuesen: I have six of them that were kept here, and then there are three others that the guys take home. And then, actually two of the trucks I just sold. There were two other trucks that were sitting there all the time. Once I heard first knowledge of this being an issue, they were just sitting there as layover trucks, so I sold the trucks; two of them.

Vice Chairman Sturniolo: What is the status of the back parking lot if you keep some vehicles and the tenants above your business and their cars?

Kent Thuesen: Right now it works fine for us. I mean, it's been working fine. The tenants leave early in the morning, my plumbers come in, load up the material and get out, so it hasn't been an issue whatsoever for us as far as parking or loading in and out. I think the issue is just the commercial vehicles driving through a residential area, from what I understand.

Vice Chairman Sturniolo: And the tenants would drive through the West Street Extension?

Kent Thuesen: Yes, they would drive through the West Street Extension.

Vice Chairman Sturniolo: And you would use the Henry's Deli parking lot?

Kent Thuesen: Yes. Just use the space there, yes. I put on... I gave a little drawing, but I put "Emergency Gate Use Only", but it would probably be easier on the weekends, I'd shut the gates here, and open the gate in the back for the tenants use on the weekend. It's basically the tenant's more or less going in and out all weekend. Otherwise you just do it once a day.

Vice Chairman Sturniolo: You made reference to a parking space at Henry's Deli.

Kent Thuesen: Correct.

Vice Chairman Sturniolo: That you would take over?

Kent Thuesen: Correct.

Vice Chairman Sturniolo: And how would he mitigate that issue?

Kent Thuesen: I would give him one parking spot back for that one space. It's for one of his residential tenants upstairs, so I told him I would give him, allow that one spot to be parked onto my property, so it accommodates for the one spot. He has some residential upstairs; I would allow that one spot to be used over a month.

Vice Chairman Sturniolo: So your trucks would go in in the morning, go in through Henry's, through this new gate that you're going to construct, load up their equipment, supplies, back out of Henry's lot and go on their merry way and then your tenants would use the West Street extension for their daily in and out.

Kent Thuesen: Correct.

Vice Chairman Sturniolo: And on weekends, that gate which you don't need, you would lock that up on the weekends.

Kent Thuesen: Yes. I put a drawing there showing the gate so I could close it off on the weekends, so this way it would only be open so I don't have to worry about people hanging out in the parking lot anyway. I don't want that.

Doug Hertz: It sounds fine as described. Without a site plan it's hard to really understand the site lines, the distances without either a good drawing or having gone out there.

Kent Thuesen: Would you want me to make a copy of this?

Vice Chairman Sturniolo: I think what we would need is to re-do his site plan showing this extension and to make notes on the site plan saying that there is an agreement, and we'd have to see a copy of the agreement with the person next door. And also to put notes on the site plan that the trucks would go in and out this way only, the residents would use the back, will that suffice to memorialize?

Nanette Bourne: That it's a permitted use? You're trying to memorialize his operation.

Vice Chairman Sturniolo: Trying to memorialize the operation in an updated site plan that reflects everything that you just said over and above the sketch.

Nanette Bourne: It's not a site plan approval or modification; it's just an acknowledgement of how you're utilizing the property?

Kent Thuesen: Right.

Vice Chairman Sturniolo: So that would mean you would have to get an architect or engineer to draw this whole thing up and put the key components that you verbally said onto little boxes, here, there, the parking spaces goes there, locks on weekends, and show the parking spaces behind your business.

Doug Hertz: And there is room for the fleet storage of your vehicles?

Kent Thuesen: I haven't had any problems at all, even with my tenants; everything has worked out fine. I actually sold 403 Lexington Avenue for that reason, because, people complained to me coming in and out of Lexington Avenue. So I was too big for that space at the time and I realized that and sold it and bought this for that reason.

Vice Chairman Sturniolo: When do you think you can have this formally drawn up?

Kent Thuesen: I don't know Barry Goewey was going to do it for me. He said he'd do it right away for me, so I'll call him.

Vice Chairman Sturniolo: Okay. Take the Austin Cassidy memo again, go through that and make sure that you are addressing everything on the site plan including what you said to us tonight about the access, and the agreement. Then we need to see some kind of documentation of this agreement that your attorney is going to draw up.

Kent Thuesen: I don't want it to affect his site plan or any issues with him.

Vice Chairman Sturniolo: Understood. But just so that we know there is this written agreement between the two of you.

Kent Thuesen: That's great. Okay.

Vice Chairman Sturniolo: And as soon as you can get it together, this way we can make this whole issue end.

Kent Thuesen: I'll get it done. Thank you.

SEQR Review:

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

**Present: Mark P. Miller, Attorney-at-Law, Veneziano & Associates
Patrick Hewes, AICP, Saccardi & Schiff, Inc.
Michael Finan, P.E., Schoor DePalma
Richard S. Rosen, AIA, Perkins Eastman**

Mark Miller: Mr. Chairman and members of the board, we are here tonight as the chair indicated on our SEQRA review following the adoption of a scope by the Planning Board. We submitted our initial draft Environmental Impact Statement approximately two months ago, and it has now been under review by your consultants, and what we are here for tonight is to receive the memo from AKRF with regard to the completeness so that we can go back and address any issues that were raised and present a revised Environmental Impact Statement to you which would hopefully then be in a position to be deemed complete.

Nanette Bourne: With that, I'd like to review where we are in the SEQRA process for the board. As Mr. Miller stated they have submitted a preliminary draft Environmental Impact Statement. That impact statement was to follow the scoping document that was adopted by your board. I brought copies for any of you that need a copy; not that we're going to go over this tonight. Well, this is adopted, so this isn't anything we're reviewing.

Stanley Bernstein: I know. I brought in the individual pages I'm concerned with.

Nanette Bourne: The SEQRA process progresses in phases. The phase that you're in right now is to look at the preliminary EIS that was submitted and see if the information that's contained is accurate and according and includes the items that you had told the applicant to include. You don't have to agree with this, you don't have to say anything about the project's benefits or lack of benefits. You just need to make sure that the document is prepared in a way that is in accordance with the scope and adequate so that it can eventually be accepted as complete and reviewed by the public. This was originally scheduled for an August review. Because of certain changes and the length of agendas, you moved this up to the July meeting because we could begin the completeness review. I don't believe you have the expectation that you will complete it tonight; but that you will begin the process tonight and it may take one, maybe two more sessions. What you have before you: there was an initial review of the traffic study that was submitted last week but for some reason didn't get included in your packet. That was prepared by Anthony Russo. There was an engineering memo that was E-mailed to all of you by Anthony a couple of days ago, and we can go through those items one by one if you wish, but they are fairly dry, black and white items of things they included that need to be corrected, things that were excluded that need to be included. For other areas of the EIS; additional review memos will be prepared for your August meeting. So I don't know how much time you want to spend on this tonight.

Chairman Cosentino: I'd like to set up a special meeting for this and go over it, because you have more than an hour and a half, two hours.

Nanette Bourne: Keep in mind; we're not reviewing this scope. The scope you've already looked at and adopted.

Chairman Cosentino: Right. How long do you think we need to take?

Nanette Bourne: One thing you might want to do is to accept the memos that were done by Anthony on traffic, accept the memos that were done by the other Anthony, and then you can add to it comments that you have.

Chairman Cosentino: So we're not on the clock where we have to get anything back right away?

Nanette Bourne: No, but we should move the process forward.

Chairman Cosentino: My problem is that I only have one meeting in August, and I have the hospital coming in, I believe, and I'm not going to have both at the same night.

Whitney Singleton: Mr. Chairman, if you might recall, one of the reasons that the applicant was put on this agenda was because of the inability to schedule another meeting for this within the immediate time frame. And, a couple of months would lapse from the time it was submitted until your August meeting. So that's why they are on this agenda. I did apprise the applicant's attorney, that while we were putting him on this agenda that we would not be able to look at the entirety of this, and that it would be limited and it would be continued. So, this was just to get the ball rolling and not put everything off till the eleventh hour.

Mark Miller: That is true. I did speak with Mr. Singleton. One of the things we were hoping to accomplish tonight, is hopefully to receive copies of the memos that indicate issues that we need to address so that we can start addressing those issues and revising the EIS.

Chairman Cosentino: Fine, there is no problem with that.

Nanette Bourne: So maybe you want to provide additional comments on at least traffic and the utilities and engineering issues that Anthony had brought up. We can start with traffic and get that out of the way.

Chairman Cosentino: That's on Anthony's memo right; which was a hand-out tonight. We got the hand-out tonight. This is the problem. We just received this tonight, and now we're expected to ask the questions that we probably haven't even read yet.

Nanette Bourne: In fairness, I had submitted it last week.

Chairman Cosentino: I'm talking about Anthony's on traffic.

Mark Miller: Mr. Chairman, if I might, if we get copies, certainly we look forward to receiving any comments that the board may have over and above the comments in Anthony's memo or Nannette's memo or any other memos. And we'd be happy to go through any of that. I just wonder whether it might not be more productive for us to get copies of those memos for the board to take the time it needs to come up with its own questions over and above that, and I think a special meeting would be great.

Chairman Cosentino: Nannette, what do you think, we should go through these tonight on the traffic, because it's getting late.

Stanley Bernstein: I don't think that's necessary. If they received this, so make the changes.

Nanette Bourne: Unless you have additional traffic comments.

Stanley Bernstein: I have other comments, not necessarily traffic.

Vice Chairman Sturniolo: I have just a couple of short traffic comments.

Nanette Bourne: So maybe we can at least get to the traffic?

Vice Chairman Sturniolo: BMW plus Lexus has always been figured into Volume I and Volume II here?

Nanette Bourne: Yes. Now, the real substantive question is whether or not that is calculated as an existing condition which I suspect it is in the existing network and that the improvements that are proposed are included as the base network with Westchester Residence traffic being added on to that.

Vice Chairman Sturniolo: The other part I have, what is the most current information we have with DOT and the Lexus traffic light?

Nanette Bourne: We have to speak with Jeff Econom about that.

Vice Chairman Sturniolo: Is he mothering that project?

Nanette Bourne: He is supposed to be mothering that, and we've been following that in our monthly staff meetings.

Doug Hertz: We still have a 2007 date for the Saw Mill light, right, or is that a 2008 date?

Nanette Bourne: The plan that was 2007 was to coincide with the opening of Lexus, but the improvements that are proposed are really outside the authority of Lexus or the Village. It really has to do with what the State moves forward. The State has given every indication that they would advance it, but that doesn't mean that they're going to advance it when we want them to.

Vice Chairman Sturniolo: A lot of this is predicated on that light being in place.

Nanette Bourne: That's right. And that's a very sensitive point. That assumes that traffic with those improvements.

Vice Chairman Sturniolo: Nannette, in Volume II, if you could look at where traffic is on here. There is an assumption of a two percent growth until 2010. How do we know that two percent is a valid number?

Nanette Bourne: That's typical. Keep in mind that that two percent is in addition to all of the other projects that we know to be going in the area. So you add all of the other projects that are proposed in the Village and in the study area, and then that two percent reflects everything that we don't know.

Vice Chairman Sturniolo: That we don't know about or all the smaller projects that may develop.

Nanette Bourne: And that's typical.

Vice Chairman Sturniolo: That answers my question. It's a valid number.

Nanette Bourne: That's two and a half percent more.

Vice Chairman Sturniolo: That's all I have at this point on traffic.

Stanley Bernstein: Are we talking only about traffic because I have a couple of items that are deficient in the DEIS.

Nanette Bourne: If that's all for traffic, then we can take another subject matter.

Chairman Cosentino: Does anybody else have anything else on traffic?

Nanette Bourne: Maybe we should go to storm water.

Chairman Cosentino: What is yours on?

Stanley Bernstein: One was on elevation which I mentioned last time they were here. I just wondered if it was being done, or did you forget about it? Your boss was here, and he said he understood, and he said he's going to do it. Did he do it? First of all, I don't see a datum on every elevation. You have them on certain pages; you don't have them on others. All I see is 00. I want to see a datum. Also, I don't see an elevation to the top, or a datum to the top. Now you're showing a four story building. By the time you figure in the roof, it's going to be a five story building. I want to know what that height is. I want it in the DEIS. Next item; in the scoping document, Potential Impacts of the Proposed Project on Carbon Emissions. Where in the document has that been done? I can't find it. Is it in there?

Mark Miller: We'll check it. Obviously if it's there we'll tell you where, if it's not we'll make sure it is.

Stanley Bernstein: I also in light of what we discussed today about water, think you should revise and re-look at and revisit what you've done so far on safe yields, etc. I notice you're estimating 150 gallons per bedroom. Is that what your estimate was? We

found that when they did that for Chase they were woefully low, and we found that Chase actually experienced a hundred gallons per person of use. So I think you ought to take that into consideration; double check all your figures; not only on safe yield but on demand.

Doug Hertz: Is that per day?

Stanley Bernstein: A hundred gallons per person, I think, per day. Anyway, revisit the whole water situation.

Mark Miller: We will look at it to the extent that it is deficient as per the scope. Obviously we'll have to address it for completeness to the extent that there are other issues that have come up such as the presentation tonight. Obviously those issues will be raised during the public review process, and we'll have to address those in the FEIS.

Vice Chairman Sturniolo: Why can't they be address in the DEIS?

Mark Miller: It's a question of can't it be moving the project forward, and the scope is our bible, and we have to comply with the scope, to the extent new issues come up and that's the whole purpose of the public project; to the extent that something new, such as some of the talk that we heard tonight, which was very interesting and very informative; to the extent that new issues come up. Those issues will be raised obviously as part of the public review process, and we will have to address those. But it gives us more time to address those and allows us to keep the SEQRA process moving forward providing that our DEIS complies with the scope as adopted by this board.

Doug Hertz: If I might, let me just read something from the scoping document. *In coordination with the Village Engineer quite accurate figures and discussion of water supply and water demand . . . identify and describe existing water supply infrastructure provide a quantitative analysis regarding the availability of water from Byram Lake during extended drought including net change data.* So I would suggest that everything within Brian's presentation is already incorporated in the scope.

Anthony Oliveri: We actually noted that in our comments.

Vice Chairman Sturniolo: Anthony, when you get a copy of this, Numbers 7 and 8 say; *a quantitative analysis regarding the availability of water from Byram Lake during extended drought has not been discussed as per the adopted scope document in the DEIS.*

Mark Miller: As I indicated, if it's an item in the scope, we absolutely have to deal with it. No question about it.

Vice Chairman Sturniolo: It continues on with Number 8, if you don't mind me paraphrasing Anthony: *a comparison of the anticipated versus actual water usage of the proposed project with other comparable projects has not been discussed as per the adopted scoping document.* And then there's another one, which is called Number 15; *the drainage report for a pond of type P 1 for drainage area of 7.4 acres, DEC recommends this pond type for a minimum drainage area of 10 acres.* But I do want to get this into the record that these water issues are of absolute concern to this board as well as traffic, and we need to see these addressed in the DEIS.

Mark Miller: We understand, and it is our intention to give you a DEIS. You're not going to accept a DEIS that's not complete with respect to the scope.

Michael Finan: There are a few other comments in here about the testing, and it's a conversation I had with Nannette earlier today. We actually want to do testing on site but have been told that the Planning Board needs to approve our testing method. We provided a plan has to how we plan on accessing the site, stabilizing the site and testing it. So as of now we can't test until you give us the okay to do that.

Nanette Bourne: It's a bit of a Catch 22. There is a temporary but not insignificant impact in them actually getting on the site to do the work in order to get the information that you're requiring.

Chairman Cosentino: I think that's an engineering decision.

Nanette Bourne: It is an engineering decision, but something that the board should be fully apprized of because when equipment gets brought to the site and they are taking down some trees in order to get to the area that they need to test, you're going to get

the calls and need to make sure this is going to be done properly and properly monitored. So I think it's a separate decision.

Chairman Cosentino: I'd like to get Jeff and Anthony involved in this.
Anthony Oliveri: This is the percolation test, test pits?

Nanette Bourne: Yes. It's a difficult site in order to get the equipment up.

Doug Hertz: You don't want to build a million dollar road just to take the test and the test pits.

Stanley Bernstein: If you're going to make a test, and the impact for doing that test is going to disturb a great deal of this site, I'm not going to let you do that test. That's ridiculous. Go in by hand and do the test.

Michael Finan: We wouldn't be bringing in anything more than a backhoe and digging an 8 to 15...

Stanley Bernstein: Why a backhoe? You have to make room for a backhoe.

Michael Finan: You can't expect us to hand dig 16...

Stanley Bernstein: Yes I can.

Michael Finan: Well, the site has been tested in the past by a backhoe, and there is evidence on the site.

Stanley Bernstein: Coming into the Saw Mill, up on that section.

Michael Finan: The Saw Mill and the water tower.

Stanley Bernstein: But they didn't go in that far. They didn't go in to the middle of the territory.

Michael Finan: They have.

Stanley Bernstein: Well, you'll have to show me. I haven't seen that.

Chairman Cosentino: Well, what we're going to do is get Jeff involved in this; Anthony involved in this and do what we have to do.

Mark Miller: We'll be happy to work with Jeff and Anthony. Obviously in order to comply we need to do a test.

Doug Hertz: Just make sure disturbance is within what we've seen and we're not disturbing areas that are not intended to be developed.

Vice Chairman Sturniolo: The other issue, Nannette, is the LEED certification. It's mentioned in the scoping. Does it need to be amplified in the DEIS?

Nanette Bourne: I think the applicant made certain representations. The scope requires that their representations be acknowledged and discussed; what is it that will allow them to get the LEED certification that they said they were going to get; and that requires certain components to be included in the site plan, and they should describe what those are.

Vice Chairman Sturniolo: And is that in the DEIS now?

Richard Rosen: Not now.

Richard Rosen: It's something that has to do with water retention. I may not know enough about it just yet. This is a project; the more we develop the building technology to build the building, we'll know more about what we can do and what we can include and what we can't include. It's not a complete answer, but we can't design unless we have all the information.

Vice Chairman Sturniolo: That I understand. I am just so concerned that this LEED certification doesn't get forgotten about in the review process. That it's on the front burner.

Nanette Bourne: I think what is typically done at this level because the project is still in the touring end, depending on what the Planning Board does. There could be site plan changes, changes in configuration of the size of the building, but what is typically done is for the LEED certified architect or engineer to identify what are the most likely components that would allow them to reach the LEED certification that they had committed to.

Vice Chairman Sturniolo: At what point do we get to see that?

Nanette Bourne: By the time this becomes an FEIS, certainly at a minimum, and maybe during site plan approval, they will have full building plans that will have from these components.

Richard Rosen: We would have to show you the same documentation that we would have to provide to the U.S. Green Building Council in order to achieve certification.

Vice Chairman Sturniolo: I'm concerned about the time frame.

Patrick Hewes: One way to think about it in the LEED certification is that the very certification is occurring in the moments that the building, not when it's being built, but as the subs are coming in and as the components and as the providers are coming in. I had the privilege of touring the Ossining Public Library last month, and I learned a lot more about how that works, and there is a lot of real time activity going on in the time of construction, and that is how the LEED process is actually designed. So it doesn't match the expectations that SEQRA always asks for; that everything be known, but it's in that light that the very specking out of the building is the time the certification is happening piece by piece.

Doug Hertz: I think what we're looking for is not a checklist that you agree to use X building material at this point, but a general discussion what you're anticipating, how you're going about the process, and that is in the scope. If you look at the bottom of Page 5, Use of Rebuilding Technologies this is a discussion of the description of the proposed project. It does say you will describe use of green building technologies including commitment to meeting the LEED silver certification. I know we're just at this point sort of back tracking, but LEED certification. So again, we're looking for a general discussion of at what point you will be focusing down to get your checklist items to be able to get to that point.

Mark Miller: Mr. Chairman, if I just might re-visit quickly the testing issue. I just want to make it clear that we will be happy, particularly Mike Finan, to work with counsel, Jeff Econom the Village Engineer to insure and provide what our testing program is and to make sure that there will be no unacceptable impacts caused by the testing.

Chairman Cosentino: Okay. And you'll oversee all of this?

Nanette Bourne: Yes.

Doug Hertz: If I could just make a comment. This is a large document. We were anticipating until recently that this would have been dealt with at a special meeting. I, for one, need more time to review it. This is a very sensitive site, and what is being proposed there, I think, ultimately is a positive thing, but it is going to require close scrutiny. Whatever comments we make tonight, I just want to go on the record that this is not the end of the statements; this is the beginning of the comments.

Nanette Bourne: I think we may still be able to move this forward although we may not be able to complete it, but we can move a chunk of it forward.

Doug Hertz: Is there really no date that we can have a meeting for this? I can't believe we can't find one.

(At this time there was a discussion with the Board and Staff regarding time scheduling and dates of two large issues, Northern Westchester Hospital Center and Westchester Residence and Club. John Partenza of Northern Westchester Hospital Center was included in the discussion.

Chairman Cosentino: Let's do it this way. Nanette, let me know by the end of the week, and then I'll schedule one or the other on; a special meeting or something like that. So we'll let you know. Let me know by the end of the week.

Mark Miller: So Nanette, you'll get us copies of all the comments?

Chairman Cosentino: Alright, thank you very much.

Formal Application

**134 Main Street
Isidoro Albanese
PB2007-06**

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

Clifford Munz: This is at 134 East Main Street. There is a former use of a gas station. What we're anticipating is to remove that building, put a single story retail building in its place. We had discussions together, and actually responded to some of those concerns that you had, and found there were some good opportunities with some of the criticisms that you brought up during the conceptual. The most noteworthy, from some of the information you may have already, is that we in fact did push the building back two feet from the street line intentionally; so that we not only widened the sidewalk a little bit, but I do end up with a little bit of green in front of each of the stores which will happen along here. There are computer generated models which will sort of help you understand a little better what we're intending to do. The site plan still as it does sit, we have also done the photo metrics

Vice Chairman Sturniolo: The photometric plan. You submitted it to us?

Clifford Munz: Yes. I think you're going to find that if you look at the waves, which are the most important, it's going to show you the hot spots of the lighting system that you currently have around the property. Reading the numbers really isn't all that critical because you're more interested in do you have enough, have they gone through enough candle power for typical parking and would another light, and the answer is yes; one more light would be required to satisfy what you need for the parking lot. It sort of addresses a concern that you were interested in from the rear would we be having more light than the rest of the area, would we stand out? Something of that nature, and the answer is no.

Vice Chairman Sturniolo: Does that conform to the proposed Village lighting standards, and do you have a copy of those?

Clifford Munz: It's the same light.

Vice Chairman Sturniolo: No, no. Does that conform to the newly proposed Village lighting code that is in the process of being adopted, and do you have a copy of that.

Clifford Munz: I have a copy of the code.

Vice Chairman Sturniolo: The proposed code change; the new one?

Clifford Munz: If it's not what's on the website currently; and I certainly hope it is... that's what we complied to.

Nanette Bourne: There are guidelines that the board has been using for several years. Those guidelines are close to being adopted, and the board has applied those guidelines to every application that has been before them for several years. And the question is does this conform to the guidelines?

Clifford Munz: I believe it does conform.

Vice Chairman Sturniolo: How did you get a copy of the newly proposed Village guidelines?

The Clifford Munz: Interesting question. I think perhaps I don't think I have a copy of the newly proposed Village guidelines. What I used was the code.

Vice Chairman Sturniolo: That's what you need to get, and you can get that from Mr. Singleton.

Clifford Munz: I certainly will.

Whitney Singleton: Just give me your card.

Clifford Munz: Certainly. Alright, as to continue forward; we used the existing lighting fixtures that we do have in Mount Kisco. We found the same light fixture, and from there

we were able to determine how much light is being produced from the surrounding fixtures, and would those surrounding fixtures... being that when we do produce this parking lot, take down the fence that's going along, for example, going along the side of Mount Kisco's movie theatre, open that up and get the advantage of those five lights that we have three down from the corner and then along the back property line. Would there in essence be enough light to handle the parking lot as it sits? Well, the answer is you only need one extra light in order to do that. We also found that from the light fixtures, and unless it's otherwise, I believe your code is asking for a dark sky light fixture. Unless I am mistaken, the lights that are there are not dark sky light fixtures. So what is there is a huge amount of light. There are bubbles of light that are being lost. But even with that, we still had enough foot candles in the area to need only one. Only do we need only one, but we'll consider a second light fixture in the back aside from the ambient light that the back of the stores are going to offer anyway.

Vice Chairman Sturniolo: Excuse me. I disagree with you, and I think you're approaching the lighting from the wrong perspective. You're talking more about light fixtures than overall foot candles as it fills the entire site. If the foot candles are achieved that meet the proposed newly designed Village lighting code, then whether you achieve it with two fixtures or 20 fixtures, it really becomes immaterial as long as the lighting code is satisfied. You need to kind of approach it from foot candle output versus a fixture here and a fixture there. The fixtures will dovetail into once you achieve that overall foot candle plan.

Doug Hertz: I agree. The fixtures that are downtown don't comply. How we got those fixtures was a bit beyond my comprehension.

Clifford Munz: My apologies for the small size, but I submitted large full scales and I think the multiple sizes; I'm sorry if they're small. But the larger scale; had you received something of this size you probably would be able to read the numbers. Understood. Again, the comments we addressed I believe during the preliminary; storage of snow, do we have enough parking, the effect is yes. We did actually lose a good 100 square feet of store space, but according to the parking regulations we are still seeing the same number of parking spots. We haven't lost any. We still have the 19, and we can still maintain that.

Vice Chairman Sturniolo: And they conform to Village standards?

Clifford Munz: Yes, sir.

Chairman Cosentino: Tell me something about the impervious. It's very confusing because right now there is no impervious there, and your application says there is.

Clifford Munz: There was. There was, and we had photographs of the property. The property was completely impervious. One hundred percent, as a gas station originally.

Chairman Cosentino: Right, I know that.

Clifford Munz: In order to make the sale for Mr. Albanese, they needed to remove the tanks. By removing the tanks they had to dig up the area, and what they did was they broke up the asphalt and they put the asphalt basically back; the item four that you do see there. We sat down with the DEP, we did acknowledge and they did agree; the fact is that we had no non-existing condition. It was 100% impervious, that they would maintain that status because as simple as just having an area for snow in the back corner of the lot, which is grass, I've increased the pervious. Technically increased, which they agreed with, and that's why their conclusion is no further reviews necessary. What they're saying is, you're not increasing it, you're under an acre, and because we're in a designated downtown area, you did the right thing in coming to see us, but we made the determination that you're not having any other impact.

Chairman Cosentino: But the impervious surface that is there right now, did they think that was always there?

Clifford Munz: They are allowing to grandfather the back, because it had been impervious prior to the removal of the tanks.

Chairman Cosentino: Do you have any documentation of that?

Clifford Munz: Sure, I have a Google photograph. It's right here.

Whitney Singleton: Did they confer on your NCRA status for something which did exist?

Clifford Munz: They have to go by what the existing condition was.

Whitney Singleton: You're making application now, and you don't have 100% impervious surface, and you are asking to be grandfathered under a condition which does not presently exist?

Isidoro Albanese: I asked awhile ago, once we dug it up, should I pave it? And they said if you're going to be re-digging it up and you're going to be repaving it, it's a waste of money to do that. Or else, what I would have done once we took out the tanks, instead of leaving the gravel there, we would have repaved it so this way we don't fall under a certain amount of time where they said, well, now you have impervious surfaces.

Clifford Munz: They said not to. They said the wisest thing to do at this moment was you could have gone back to the pre-existing conditions where we take out the tanks and repave it that was within his right to do so. He was very up front with the DEP and said I have done this. This is the physical existing condition as it stands now. The DEP said we'll see, we understand. We will still consider it as what it was. It was a gas station.

Isidoro Albanese: In the front, we repaved the front.

Whitney Singleton: I know what exists on the site, I'm just saying NCRA status is essentially grandfathered, and you're having it grandfathered under conditions which do not exist. I don't know if that was fully represented to DEP, and that's the position they're taking, I'm sure there is a lot of other applicants out there who would like to use that as their entrée into that DEP.

Isidoro Albanese: We also showed them the present pictures of the way the property is now.

Clifford Munz: We withheld zero. We held nothing.

Whitney Singleton: And they are fully aware that the site is currently 50% impervious surface?

Clifford Munz: Yes.

Vice Chairman Sturniolo: How do we verify this?

Whitney Singleton: If that logic applied on all applications, all you'd have to do is show at some site at some point in the past that there was impervious surface.

Vice Chairman Sturniolo: It doesn't make sense.

Whitney Singleton: It makes no sense.

Isidoro Albanese: I could have paved it, for a couple of thousand dollars. It would have been very easily paved.

Whitney Singleton: But it's been that way for years.

Isidoro Albanese: It depends on which part we dug up.

Whitney Singleton: It's been impervious surface for years.

Isidoro Albanese: Over there? There were plans, from two years ago where they did, actually on a survey, it was broken macadam. The corners are still there, but most of the property has been dug up.

Clifford Munz: Broken macadam. That's the terminology.

Whitney Singleton: We have applicants that come in here and they want to take this up and repave it, and they say no, you have to come in.

Isidoro Albanese: I called them back then just to make sure, when the bank was coming in, which was a year and a half two years ago, they said why don't you call them up and see if you have to repave it. And I called them up and asked should I repave it now, and they said no, you're wasting your money if you're going to dig it up. But also, I would have done it two years ago.

Chairman Cosentino: Nannette, would you follow through on that? I don't want to see him come back and get bit by this. Would you follow through on that and let us know?

Vice Chairman Sturniolo: How do we get it?

Chairman Cosentino: She calls the DEP.

Nanette Bourne: I think it's a conversation that Anthony and Jeff and I should have about these two storm water... it could be that in order to protect the Village's interest regarding the storm water quality and quantity, that they are comparable engineering requirements that would have to be met. Do you agree, Anthony?

Anthony Oliveri: Yes, I think so. In this particular case I would suggest that they get clarification themselves also from the DEP if you had meetings with them to get clarification on the grandfather.

Nanette Bourne: I think we should talk with DEP.

Anthony Oliveri: And state it specifically.

Chairman Cosentino: Would you get back to us on that?

Vice Chairman Sturniolo: Who did you speak to in DEP about this grand fathering issue?

Clifford Munz: Andrea Oncioiu and her superior. We had an actual project manager, I don't recall his name, but she sat in with us because she knew. She knew the site and she knew enough to say alright.

Vice Chairman Sturniolo: And you have the certification that the tanks have been removed? A document?

Isidoro Albanese: We're waiting to close the site file. We're just waiting for them to send it to us.

Clifford Munz: The DEP asked us to reach out to the Building Department for Mount Kisco and ask them how did they feel, or how would they handle it, since no extraordinary circumstances of special treatment of water is necessary. And the fact that we did know the only connection we would make or could make was the connection to the Blackeby system. The special requirements turned out to be the typical standard catch basin. The only enhancement is an oil water separator. If we did that and then we tied into the Blackeby system, Mount Kisco didn't have any specialties that we needed to put into the system and the DEP didn't have any special requirements either, so I made those calls and had those conversations.

Nanette Bourne: You made those calls to who?

Clifford Munz: To Austin and to Jeff Econom. As a side note, I also spoke to Jeff a couple of times on the lighting in Mount Kisco, trying to get some specs and light sizes and wattages and the like; and so I've had an open dialogue with everybody in your system.

Chairman Cosentino: I think the proper person you should have spoken to was Nannette.

Clifford Munz: Perhaps, but we were at a conceptual at that moment, and we were being pro-active enough to make the calls, sit with DEP and talk to all the people that potentially could be involved for the most part until we got to this stage today where we could make a formal presentation to you.

Chairman Cosentino: It's an improvement, I'll tell you that.

Clifford Munz: You had some questions about what the rear of the building would look like. In advance for our Architectural Review Board and the like, we have finished preparing, which you don't have because it wasn't really part of the Planning Board submission necessarily, but we have the rest of the elevations outlined. We know what the whole building is going to look like now.

Vice Chairman Sturniolo: When will you have a formalized landscape plan put together that shows the different plantings?

Clifford Munz: I can have that within days. The other half of my firm, which happens to be my wife, is my landscape architect. The landscaping is limited to pots. They are potted plants that are placed in between so the landscaping is really more limited to foundation planting and potted plants around the property.

Vice Chairman Sturniolo: Do you have a concern with pots staying?

Clifford Munz: I understand that, and I think it depends on what you put in it. If you put a dense enough sort of plant you are mitigating some of that. We're using pots for some of the work we're doing at Yonkers Raceway specifically for two reasons. They are acting as bollards but we're packing them densely so that they're really not the greatest place to put a cigarette butt. If you try to put a can in one of them the can floats on top of the greenery. It's very easy to see.

Vice Chairman Sturniolo: So you're bringing the building back two feet, shrinking the size of the three stores to accommodate greenery in the front in the manner of pots?

Clifford Munz: Not just pots. Its foundation plantings but the pots are simply accents in between the stores.

Vice Chairman Sturniolo: Tell me a little bit about what this foundation planting is in the front.

Clifford Munz: It would be evergreen shrubs, boxwoods, something of that nature. Not really annuals. You don't want to maintain it that much, but you would be more interested in boxwoods.

Chairman Cosentino: Why can't shrubs be planted, since you're going back, in a two foot area?

Clifford Munz: They are going to be planted.

Chairman Cosentino: But why do they have to be in pots?

Clifford Munz: The pots are simply accents in between the stores.

Chairman Cosentino: Added to the two foot areas; extra decorations, that's nice.

Clifford Munz: What we did do was widen the sidewalk if you will, or the illusion of the wider sidewalk as you thought, and I totally agree with you. Down the side, if you come down on your site plan, is a subtle concept, which is if you think about the Mount Kisco Theatres, it's 30 something feet tall.

Chairman Cosentino: Is this going to have a basement in it?

Clifford Munz: No.

Chairman Cosentino: Where are your heating and cooling units going to be?

Clifford Munz: Up on the roof.

Chairman Cosentino: How are you going to shield them?

Clifford Munz: They are behind a parapet. You can't see them. I can do all the duct work, piping, everything I want from up top. They are hidden behind the parapet.

Chairman Cosentino: And you enter from the back?

Clifford Munz: You enter from both sides. The vehicular is only from the rear. The stores have both front and backs.

Chairman Cosentino: Vehicles?

Clifford Munz: Only from the rear. We also give back to the town four more parking spaces because we eliminate the curb cuts. That's the only car that can park there.

Chairman Cosentino: You're not giving us anything, it belongs to the Village.

Clifford Munz: What I am asking in the rear is on your site plan; right here there are currently four spaces in the back. In order for me to get in and out, and I want to make enough sweep to get into Blackeby I'd like to rake this down to three, just to eliminate that one spot and then have the five up in front. It's an easier flow. Currently you can go in and out this way, but it's a sharp turn.

Chairman Cosentino: We don't want it to be dangerous.

Vice Chairman Sturniolo: You're providing how many spaces on site?

Clifford Munz: Nineteen. Plus a loading berth, and snow storage and no wheel stops, we're using guardrail.

Chairman Cosentino: Guardrail?

Clifford Munz: Along the side. There is currently guardrail along the side property line now anyway so a car can't go through. The illusion now, since you have a much wider promenade to go on down, and the purpose of what we're trying to do here is everybody congregates here before the movies.

Chairman Cosentino: Anthony, what about drainage?

Anthony Oliveri: We'll have to talk to Jeff and DEP about drainage. If the imperious surfaces aren't grand fathered, it's a whole different thing. Also, just note, I spoke to Mr. Munz also about providing more detail on some of the site features; curbs, the guardrail, the pavement sections, the sidewalk, some of the details in the improvements in the right-of-way, sediment erosion control; we'll go over that with you.

Doug Hertz: And a landscape plan.

Clifford Munz: Certainly. So I guess we're just at a point where, of course, whatever else information Anthony should need, without a problem, he gets what he needs to make this work. I think what we're trying to do again is move forward in a positive direction and whatever else he needs I'll take care of.

Stanley Bernstein: We spoke very briefly about the two air conditioners in the window at Piero's. What's going to happen there?

Clifford Munz: Those windows are lot line windows. By right, I can go up to the building and cover those windows. What's up there presently is an office. The air conditioner is a window air conditioner. We've had conversations with the former owner of the property and they are fully aware of what we're intending to do.

Chairman Cosentino: It's your right.

Stanley Bernstein: It's being done as of right and it doesn't have to be an agreement?

Clifford Munz: That's correct. There was a potential alley way between the two, which we want to stay away from that.

Doug Hertz: Whitney, in terms of changing parking within Blackby; what's the procedure for that?

Whitney Singleton: That's my first entrée into this, once you brought it up. I wasn't aware of that, but I will look into that. There is a net gain here however it's not within the Village's right-of-way; it's within the State right-of-way, and I'll get back to you on that issue.

Isidoro Albanese: There are two entrances now to the property. If the town does want, there could be another parking space in the back because that entrance is being blocked off.

Clifford Munz: You'd have to cut in closer to the movie theatre, but you could squeeze in that other spot in order to allow proper sweep to get out of this property.

Whitney Singleton: I know it's not a legal issue, but I don't want it to become a last minute issue with your board. We had a dumpster similar to this situation at 305 Lexington.

Clifford Munz: The dumpster, if you will is not a dumpster of foodstuffs and the like. We're not required to have a dumpster. We're allowing for paper goods and stuff like that.

Whitney Singleton: That may be said, but there is nothing you can achieve without coming to this board in the future to re-allocate your tenants in a fashion which will allow food service.

Clifford Munz: I think we were very clear that there is no possible use going to any kind of retail. There is no restaurant.

Isidoro Albanese: It could be retail food, but it can't be a restaurant.

Clifford Munz: Food preparation, if you well.

Whitney Singleton: That's not an accurate statement.

Isidoro Albanese: It's a restaurant with no seating. Then the parking ratio changes and it would not be allowed.

Whitney Singleton: You could have a very small restaurant. You could have a warehouse and you could be generating lots of food and refuse on this site. We've had this issue before, and I don't want it to come up on the night of an approval. The possibility of an odor to emanate from that site, is right out of the front door entrance or the side door entrance to a restaurant

Doug Hertz: So if they want to stipulate that there will be no food of any sort.

Stanley Bernstein: Why can't we put that in as part of the resolution?
There will be no food preparation or restaurant allowed on this piece of property.

Vice Chairman Sturniolo: It sounds like you're leaning toward a restaurant already.

Isidoro Albanese: I'm not leaning to a restaurant at all. But we're talking the next 90 years of a building.

Whitney Singleton: That's right.

Chairman Cosentino: That's a dangerous statement.

Stanley Bernstein: Well, if it's in the resolution, even 90 years from now it's in the resolution.

Clifford Munz: We could eliminate the dumpster completely and we don't have a problem with doing it.

Chairman Cosentino: Yes, but he's thinking if he sells the building, or they sell the building and they want a deli or something in there.

Clifford Munz: They would have to come back in front of you again, but not him. It's the next tenant.

Isidoro Albanese: But that's not the front entrance. Isn't that the employee entrance?

Vice Chairman Sturniolo: The other thing is the restaurant at one time considered the possibility and they can do within their right of putting outdoor dining in the rear of the restaurant real close to the dumpster, and that's another concern. As Mr. Singleton pointed out, we're trying to be pro-active and anticipate. We recently went through a dumpster issue, moving it back and forth and a restaurant being involved. Let's solve the issue now.

Chairman Cosentino: As Tony was saying that, you're going to have three stores. Where are they going to put their garbage?

Clifford Munz: Curbside pick up. They'd have to put it out each day.

Chairman Cosentino: We don't pick up each day.

Clifford Munz: What does the town do for everyone else?

Isidoro Albanese: If you have canisters you could put all those canisters into that area that is designated.

Clifford Munz: Yes, it could be canisters. It doesn't have to be one large dumpster anywhere.

Chairman Cosentino: If you're saying that you don't need a dumpster and it's within your right, we're saying it's within our right that you're not going to have a food place. He doesn't seem to take to that.

Isidoro Albanese: Would you?

Chairman Cosentino: I'm playing the devil's advocate here. You want your cake and eat it, you can't have it.

Clifford Munz: I understand.

Chairman Cosentino: What do you want?

Isidoro Albanese: Can we say no dumpster?

Stanley Bernstein: I'd rather say no restaurant.

Chairman Cosentino: If you say no restaurant, no dumpster, we're going to put in the resolution no restaurant or no food.

Clifford Munz: If there is no dumpster, you can't have the restaurant.

Isidoro Albanese: Say a café wanted to go in there.

Chairman Cosentino: You can't have it. It's food.

Vice Chairman Sturniolo: Then the issue is do we really want to see garbage bags in front of the stores?

Clifford Munz: That's why we designated this area for garbage. Where is the dumpster for the restaurant?

Chairman Cosentino: In the back by a refrigerator or something back there.

Isidoro Albanese: Our intention is right now to rent it to retail. That could be an ice cream shop. It's not like having a full service restaurant. And you usually get picked up everyday as a food service, anyway in Mount Kisco.

Chairman Cosentino: We don't pick up everyday.

Isidoro Albanese: We do. My people do a pick up everyday except for Sunday.

Chairman Cosentino: Your own garbage people; not the Village.

Isidoro Albanese: Yes, not the Village.

Chairman Cosentino: That's another thing, the garbage truck stops in front of the store everyday and blocks traffic.

Clifford Munz: Precisely the reason I put it in the back. Very easy ride up for the garbage truck, side load, back up, never has to turn around.

Vice Chairman Sturniolo: So maybe we should go with the stipulation about no food.

Stanley Bernstein: I'm very much in favor of in the resolution no food service of any kind.

Isidoro Albanese: A cheese shop would be great in there.

Stanley Bernstein: No. It would not.

Chairman Cosentino: I don't know if it would be good or not, I'm saying that if you don't want a dumpster for food to be put into there or no food, say that in the resolution. And you have to have an area to put your pails wherever it is that is not going to disturb everybody, and the garbage truck is going to pick it up, we want to see where it's going to go.

Clifford Munz: The whole purpose was to shield them from view, so it's fenced in.

Chairman Cosentino: You're going to have a designated area which you are going to show us the next time you come in, whatever you're going to put your garbage in. And the resolution is going to say no food of any kind, and you're a step further.

Vice Chairman Sturniolo: If you happen to in the near future sell the property, then the new owner who buys it is still obligated to all the conditions of the resolution.

Clifford Munz: I've made my client aware that if that were to happen, that he has to tell the future person you're going to have to go through the whole motion again unless you stick with the game plan.

Whitney Singleton: One more question. You have on the southern portion of the property next to the Village's right-of-way next to the building, a kiosk. What is this?

Clifford Munz: The purpose of this is when we first spoke about having a promenade from one end down to the other, it's a gentle slope, and it's a fantastic place for skateboards. So what we're looking to do is simply break up that run and any obstructions in any way. We call it a kiosk but it could just be anything from a planter, a kiosk, something that the store owners could put advertisements of their own on that property; generate their own revenue, or whatever, but it's really an obstruction to keep thru traffic.

Vice Chairman Sturniolo: You mean like a French billboard thing?

Clifford Munz: Five feet tall, a foot and a half in diameter. But it has to be in keeping with the dialogue of the design.

Vice Chairman Sturniolo: Concrete bollards or something?

Clifford Munz: Concrete bollards are fine, but you can do so much better. We talked a clock, trees, a planter.

Vice Chairman Sturniolo: I am concerned about that kiosk idea; the maintenance. Who is going to open the cabinets to put the posters in, or is it going to be an open billboard?

Clifford Munz: No, I think that you need a little bit of control to what is being put on there, to limit it what the complex is offering because you are going to have not only people who are going to walk from the Blackeby lot up to the theater, which they do now. The idea is that they are waiting for their movie. But they're moving up and down looking in the windows and whatnot, and that gives us an illusion of a nice wide space. There is something going on. At the same time we need to make sure to address your concern about something like skateboards and the like, but don't just put rails all over the place, let's make it designed and make it intentional so that it's a deterrent, but it's a subtle deterrent.

Vice Chairman Sturniolo: I understand your objective. I'm concerned about the practicality of it. So that, say one store is selling clothing and there is a poster in the kiosk for clothing, then some jerky kids don't come by with a spray paint can and decide they are going to change the color of the right sleeve on this; those kinds of things.

Clifford Munz: If it were a concrete column of sorts that had nothing on it, that's a much cleaner tableau for somebody to spray paint then something like that. So I'm with you on the fact that it's an obstruction, but it can't be blatant. We have to be more sensitive. We even considered simply pedestals for local artists to put pieces of sculpture, something to give back again to the community, but the purpose is not that it's a spot for a piece of art exhibit, that's a side benefit. The main benefit was how do I keep somebody from getting A to B in a straight shot? I'm there with the flexibility, I can make anything happen, but I have to accomplish your objective. So whether it's a clock or a tree, whatever it is, something's going on. It's better than holes in the pavement; it's better than bumps and such.

Vice Chairman Sturniolo: I understand. We'll have to wait to see what the kiosk looks like.

Chairman Cosentino: We'll put them on the next agenda. Thank you very much.

Continuing Review

**Eduardo's Restaurant
77 South Moger Avenue
PB2007-07**

**Present: Edward Lubic
Gregory Monteleone
Anthony Monteleone**

Gregory Monteleone: Mr. Lubic did it on his own, but I believe we've seen most of the information provided, and I saw that Mr. Cassidy had a question about the seal of the architect. We have an original signature, not a raised seal.

Vice Chairman Sturniolo: Anthony, size-wise, what are we looking at?

Anthony Oliveri: It looked like an enlargement.

Vice Chairman Sturniolo: Did somebody cut this up, Xerox it and paste it over?

Anthony Monteleone: Not that we're aware of. Do you want a letter from the architect? We'd be happy to do it, provide it to you that that's an architectural drawing. That's his seal and his signature.

Anthony Oliveri: I think Austin saw the size and it looked like it was cut out maybe. It's definitely larger than an actual seal would be.

Anthony Monteleone: We'll call the architect tomorrow and provide you with written documentation. I would be shocked if that's not the case, but if it's not the case, you'll know it immediately.

Vice Chairman Sturniolo: The meets and bounds noted are not linked to any survey data.

Gregory Monteleone: Mr. Lubic said that he provided the architect with the original survey that he had in his possession, although I don't have it, we haven't seen it.

Vice Chairman Sturniolo: The architect obviously needs to redo the plans and include that information. Is the trash area where it really is?

Gregory Monteleone: The trash area is actually in the location where it's depicted. It is a turn slightly and it's not totally accurate in this diagram. It's slightly turned, but I believe the general location is accurate. It's just not in that configuration.

Anthony Monteleone: In relationship to the parking that's shown the trash area is where it's located. It might be closer to the property line.

Vice Chairman Sturniolo: So he's got to correct that as well. This shows 14 tables.

Anthony Monteleone: We're going to delete this one; only 13 are allowed.

Vice Chairman Sturniolo: It's really confusing to follow this plan with all these crude, illegible hand drawings that are plans.

Anthony Monteleone: I haven't seen those.

Vice Chairman Sturniolo: Well, somebody gave them to the Planning Board.

Stanley Bernstein: It's an insult.

Vice Chairman Sturniolo: This is absolutely unacceptable.

Anthony Monteleone: Alright, we understand, we hear where you're coming from.

Vice Chairman Sturniolo: If this is the front entrance and this is the property line, this plan leads you to believe that this property line extends in this direction. Is that the case?

Edward Lubic: That's the case.

Vice Chairman Sturniolo: If we look at the front and as Austin accurately points out, these cars are parked 10 to 12 feet in, on Village property.

Anthony Monteleone: They've been parked that way for 30 years. That's the fact of the situation. That's the reality of what's been in existence for many years. We're trying to draw a plan that conforms to the code. If the Village says move the parking back, so be it. But that's the way it's been. It was there before Eduardo and his dad even bought the property because I know I represented the owner of the property who sold it to him. It was a garage back then, and the parking was there then just the way it is now. That's a fact of life.

Vice Chairman Sturniolo: I don't think you should be allowed to park cars on Village property.

Anthony Monteleone: I don't necessarily agree with that per se, I think that condition existed not only here, and if you were to look at other pieces of property throughout the Village, I think you'd see it in many other cases. If you'd like I'll do it that way, but we're going to open up a Pandora's Box.

Vice Chairman Sturniolo: Is your plan also to stripe these parking spaces once they went back to where they are?

Gregory Monteleone: It wasn't our intention to stripe them at all. This whole parking area is to be re-paved.

Vice Chairman Sturniolo: How are people going to know where to park when they come in?

Gregory Monteleone: This is what was done in the last two days; we sealed the whole parking lot.

Vice Chairman Sturniolo: But how are people going to know where to park?

Anthony Monteleone: Invariably one car pulls in; they've always been parking there diagonally. Eddie's customers are very loyal, very few new people. Heller's is no longer going to be parking there, right, Eddy?

Edward Lubic: No.

Anthony Monteleone: There will no longer be customers buying at Heller's, which has been the case for years and years. It's just going to be his customers.

Edward Lubic: Once I start, I put my car in, everybody goes alongside.

Vice Chairman Sturniolo: Do any of your employees park over here?

Edward Lubic: No.

Vice Chairman Sturniolo: A white van on grass?

Edward Lubic: No. Oh, yeah, one day probably because of the blacktop or something.

Vice Chairman Sturniolo: One day?

Edward Lubic: One day.

Vice Chairman Sturniolo: Would this be the van?

Edward Lubic: Probably.

Vice Chairman Sturniolo: That belongs to the black toppers?

Edward Lubic: Yes.

Anthony Monteleone: The black toppers or one of your guys?

Edward Lubic: One of my guys.

Vice Chairman Sturniolo: Who owns the van?

Edward Lubic: I own the van but one of my chefs uses it. My chef drives it.

Vice Chairman Sturniolo: And he put it there the day of the blacktopping?

Anthony Monteleone: No, that was yesterday.

Vice Chairman Sturniolo: So why would this be parked on Village property?

Edward Lubic: Half of it, a piece of it, the back tires.

Vice Chairman Sturniolo: Yes, right here.

Edward Lubic: He pulled it back too far.

Anthony Monteleone: It won't be there any longer.

Edward Lubic: He should have known.

Chairman Cosentino: You have to couple everything together and make one submission so we can make sense of what you've done.

Anthony Monteleone: Let's address some of the issues that you did raise. We will address all of the issues raised in Austin's memo.

Gregory Monteleone: The flower boxes were built by Eddie himself, and he's had them for some time. When they were originally on wheels, he did it simply to be able to push in and push out. I understand the concern about the safety issues, so we removed the wheels, we boxed them in, and Mr. Lubic put in a steel frame on the bottom which is depicted here and subsequently been installed. It is now secured in so the boxes on the side cannot move.

Chairman Cosentino: Showing us isn't doing any good.

Gregory Monteleone: But we secured the flower boxes.

Chairman Cosentino: Let the fire guy look at it and then report back to us.

Gregory Monteleone: Okay.

Whitney Singleton: When you do come back showing one of the tables removed, I presume that you're going to have an overlay on some sort of a survey on the site?

Anthony Monteleone: You want us to show you that the meets and bounds of the survey conform to the meets and bounds of the drawing. I'm not sure we're actually going to do an overlay, but we'll give you a copy of the survey showing the meets and bounds confirm.

Anthony Oliveri: The architect should reference the survey.

Anthony Monteleone: Exactly, but not an overlay.

Whitney Singleton: And as long as you're going to go back on this, I think your scale is way off.

Vice Chairman Sturniolo: There are two scales used. This is sloppy, and I for one do not want to see any parking on Village property.

Anthony Monteleone: It won't be sloppy when it comes back to you. We're not showing parking on Village property. Our parking spaces meet Village code and they are not on Village property. I think the issue you're raising is a different issue from the site plan approval, whether it is an enforcement issue or a realistic issue that that's the way the parking has been and do you want to now change it?

Vice Chairman Sturniolo: Which is another way of saying, as one person on this Planning Board, I do not want to see parking on Village property.

Anthony Monteleone: Then I think you're going to have to do that Village wide.

Chairman Cosentino: We don't have to do anything Village wide. We take one at a time. I don't think this board recognized it until it was on Eddie's plan. If Eddie didn't have it on the plan we would not have know it. I'm sure it's going to come from the higher-ups on the parking, and I think Tony has voiced his opinion right now.

Anthony Monteleone: I respect his opinion. It's a practical matter. If we draw the parking spaces, and we lay them out, stripe them and somebody comes along and parks where they've always parked three feet in front of that, what are we going to do?

Vice Chairman Sturniolo: Maybe the Village is going to put a guardrail on its property, or trees.

Anthony Monteleone: You've got a beautiful structure there, which Eddie just did, and now you're going to put a guardrail in front of it?

Chairman Cosentino: They wouldn't put a guardrail, they'd put trees and some green stuff.

Vice Chairman Sturniolo: Something. You went through an issue with the Village regarding parking in the back, they reclaimed their land; the same thing is going to happen in the front.

Anthony Monteleone: That's happened all along Main Street. Other restaurants are in the same situation.

Vice Chairman Sturniolo: You have to start somewhere, one by one by one. Also, who made the correction on the spelling, the word restaurant?

Anthony Monteleone: We'll come back with a new plan.

Whitney Singleton: If you could show the sidewalk there. There are some sorts of dimensions that comply with Section 93 for outdoor dining, as far as the setback from the curb; there are a couple of requirements in here. It has to be six feet. It appears to be, but I just want to make sure that it's shown on the plan.

Edward Lubic: Are you talking the front dining or the side?

Whitney Singleton: The front, just on the public parking. I've been by it many times, there's plenty of area, but if you could just show what the area is there.

Chairman Cosentino: All these will be conditions. I just want to voice my opinion on one thing; we don't have another meeting till August. Do we want to give him outside seating, and as a condition he completes this within a certain amount of time?

Anthony Monteleone: We'll remove the one table; we'll only have thirteen tables for a total of 39.

Vice Chairman Sturniolo: We'll lose our clout if you do that. The clout to make it happen

Anthony Monteleone: No you won't.

Chairman Cosentino: I just suggested it.

Anthony Monteleone: May I respectfully comment in regard to Tony's comment? When I'm representing anybody you don't lose your clout. If you have a reasonable request on a plan, I have always been here to make it happen. This is a question of this man putting hundreds of thousands of dollars into an improvement that really helps the Village commercially and aesthetically and outside dining for the months of July and August and September are very critical to his financial liability. So to do that would be imposing such a burden on him that I think under all the circumstances it's not necessarily reasonable. So I would request that the outside dining be permitted. It is permitted in the front. This would give him expanded outside dining and we would appreciate it.

Chairman Cosentino: Tony has a reason to be upset. I should be more upset than I am.

Anthony Monteleone: I appreciate that. We're starting a new page tonight. Had I been here from the beginning, this would not have happened.

Chairman Cosentino: I am sure if Eddie had to do it over again he wouldn't have done it the way he did it. But to penalize him for the few months where he should be open, maybe this board should think twice.

Anthony Monteleone: I will assume the responsibility. I would appreciate it that you would permit him to have that additional outside dining with the 13 tables, one will be removed tonight.

Doug Hertz: Aren't you already using that space?

Anthony Monteleone: No. It was used at one point; it hasn't been used since the issue was raised. It's set up and the one table will be removed. We would ask the board to permit the outside dining on a temporary basis until final approval has been granted.

Chairman Cosentino: Any suggestions?

Sol Gibbons: The facts that Tony has brought up are very serious. This drawing is very, very bad.

Anthony Monteleone: I understand that. I agree with you 100% and we're here to fix things and make them right. Penalizing him by not having outside dining for this critical period doesn't help.

Sol Gibbons: I don't like to see them being penalized, but I would like to see the thing rectified and rectified properly.

Chairman Cosentino: The guarantee is from Mr. Monteleone, not from Eddie.

Sol Gibbons: I'm fairly new on this board, I don't know if you've had any experiences like this before.

Chairman Cosentino: This is the first time.

Vice Chairman Sturniolo: In fairness, there has been previous dealings with this applicant and the Village in general, Vis a Vis what you heard the other night; cabaret music without a cabaret permit. There is a lot going on here.

Gregory Monteleone: Every time I received notice from the town, and I've been downstairs a number of times during the week, I have immediately addressed it. The garbage issue came up when Eddie opened up and expanded, he realized he needed additional time, additional days for pick up. We made it three days a week instead of two and it solved the problem. But going in, it was hard for him to gauge. He greatly increased the size of his restaurant and there were growing pains. That was addressed. In regard to the cabaret, he realized and understood after I had discussions with him that he can't do it and he hasn't done it since, and he's not going to do it until everything is addressed and we have an application for a cabaret, and we'll deal with it at that point. We understand that's not going to be addressed until we resolve all these issues. But I think he's addressed everything and he's made some mistakes, but let's move it forward.

Doug Hertz: I'm on the fence. Tony makes a persuasive argument and Greg makes a persuasive argument, but I hate to bend the rules for an applicant.

Stanley Bernstein: I don't think it's fair to put us on the spot like this.

Chairman Cosentino: We are a board as a whole. I'm not putting anybody on the spot. I can't make the decision.

Stanley Bernstein: I'm reluctant to allow it to go. With all due respect, to Tony, I agree that he's an honorable person; I know nothing will go wrong with him in charge. But we have people in this Village who would use this when they want to do something.

Chairman Cosentino: I think we've addressed everything. I polled the board. I need to go along with my Planning Board members.

Anthony Monteleone: If I could address just that issue. We have made a request for the outdoor dining, a submission I believe that your board has before it. I don't believe that submission, although sloppy, is defective, and certainly this drawing accurately shows it, we're deleting one of the tables. So, I think your board has sufficient data before it in regard to just the issue of the outdoor dining, not the final site plan approval. We're not asking for that. All we're asking for is temporary approval of the outdoor dining, and if we don't get permanent approval of the site plan then this temporary approval dies.

Chairman Cosentino: Tony, we went through this.

Anthony Monteleone: I'm asking them to change their mind.

Chairman Cosentino: They are not going to change their mind. I'm going to go along with the board. He's going to be denied. They are my fellow board members and I honor them, too. I think Stan hit it right; he doesn't want to bend the rules.

Anthony Monteleone: This outdoor dining isn't even on Village property, and I'm not sure if we need approval for the outdoor dining when it's not on Village property.

Chairman Cosentino: You need a permit for outdoor dining.

Anthony Monteleone: I was just advised that under the code there can be ten seats on your own property without a permit. Is that accurate?

Whitney Singleton: It can be under ten or up to ten. Not without a permit, without an approval by this board. Once you reach that threshold the board is required to approve it.

Chairman Cosentino: He's not involved with the front.

Anthony Monteleone: The front we have a permit for. We have about ten seats on our own property back there in the interim. I'm just telling you that if no board approval is required for that, then we'll proceed with that.

Chairman Cosentino: The question now is can he add ten more seats?

Anthony Monteleone: No. Can he put ten seats in the area that he isn't using?

Chairman Cosentino: He's got ten in the front, right?

Anthony Monteleone: No, but that's a separate permit that's been granted. Whitney is saying that on our own property without a permit, we can have up to ten seats.

Chairman Cosentino: Is that a fact, Whitney?

Whitney Singleton: We're talking about seating, not tables. Once you go over ten, it requires Planning Board approval; 11 or more.

Anthony Monteleone: 11 or more and that's on private property distinguished from the already approved seating on Village property.

Chairman Cosentino: He's not on Village property.

Anthony Monteleone: The front seating is.

Doug Hertz: So you can put your ten out there until we get the rest.

Whitney Singleton: The permit on the public sidewalk for up to ten is the Village Manager; on private property up to ten is the Building Inspector and anything over that is your board. Austin has specifically taken the position, and I concur with his position, that he looks at the application's totality as far as the number of seats. The number of tables, and that would be 13.

Chairman Cosentino: It doesn't say areas, it says for the building.

Whitney Singleton: Don't you have an existing permit right now?

Anthony Monteleone: In the front, for the Village property. That's on Village property not on our own property. So what I'm asking is and we're up front and based on the code, and I'm not sure it's absolutely clear, but if it's vague that's usually in our favor; that we be permitted to have ten seats in that area.

Whitney Singleton: Ten seats in what area?

Gregory Monteleone: In the area we're seeking to get the outdoor dining.

Whitney Singleton: If you eliminate it from the front. Austin's taken the clearer solution that it's a limited number. You're not segregating anything, and there's support for that in a section of the code. I don't want to go through it now.

Anthony Monteleone: We'll research that and we'll speak to Whitney and Austin about it, but if we can resolve that issue in the interim before we come back, there may be seating additional ten seats, conforming with the code, which your board doesn't have jurisdiction over.

Whitney Singleton: I'll tell you right now Austin is very adamant that the code is met.

Anthony Monteleone: I can deal with that. I just want to be up front with your board. We will come back in a month with the plans meeting all of your requirements, answering all of the issues that have been raised. If there are any other issues, I would appreciate if you bring them forward now.

Chairman Cosentino: I have nothing else. Thank you.

Continuing Review

**Domino's Pizza
130 N. Bedford Road
PB2007-02**

Present: John R. Martabano, Jr. Martabano Real Estate

John Martabano: It really isn't so much a Domino's issue, and I'll refer to Whitney here. My brother is on a much needed vacation, to be very frank with you. When the Domino's issue came up, we were unable to find, through diligent searches and I think Whitney can testify to this, there is no site plan for this property in either my records or the Village records.

Chairman Cosentino: Well we now have one in front of us, and the parking is eliminated here.

John Martabano: We also agreed to a right hand only turn.

Whitney Singleton: That was at the request of Mr. Vigliotti.

John Martabano: We addressed the fact that the loading zone takes away that parking. It also gives a lot better access for drop off and pick up.

Chairman Cosentino: We need some signs here saying no parking. There is a wall there.

John Martabano: I don't know how much of a wall it really is. It's kind of like a pitched area up because it goes up with the traffic.

Chairman Cosentino: Are you going to paint lines there?

John Martabano: No this is blacktop; we're going to paint yellow lines.

Chairman Cosentino: Right, so they know they can't park there.

John Martabano: Absolutely. And it will say that it's a loading zone.

Chairman Cosentino: I was only interested in this right here. The sign has to be a condition; the sign has to be here.

Whitney Singleton: Mr. Chairman I have that committed from the applicant's attorney in writing requesting adequate preparation for submission of the plan.

John Martabano: Is that part of the letter from June 19?

Whitney Singleton: I don't know the date.

Chairman Cosentino: Does he need anything else, Whitney?

Whitney Singleton: You are confirming that this submission is adequately replacing what has somehow, for whatever reason, disappeared from the file so that there is a signed site plan in the file; the chairman is authorized to re-execute this site plan.

Chairman Cosentino: I couldn't find the site plan where it had no parking on the north side, because you really couldn't get out of there. So what he has now is no parking on the north side. That was previously approved.

Nanette Bourne: I am curious of the process that this is just going to be stamped and signed.

Whitney Singleton: It's a duplicate site plan for the site, and I just want to make sure that the board is authorizing the chairman to re-execute this plan.

Chairman Cosentino: It was one of the original site plans, sidewalk work was done and they brought it in.

Doug Hertz: The fact that parking spaces are not to current code, we're saying that they were existing?

Chairman Cosentino: Whatever was on that plan is there now.

Whitney Singleton: Back when there was a fire there was a lot of people, government officials and whoever else, I don't want to say plundering, but certainly rifling through the files downstairs and when it came to open the file, the only existing site plans that were in the file were from the early 80's, maybe 70's and they were not reflective of what is there now.

Chairman Cosentino: They were issued a Certificate of Occupancy on the building after the fire. Then everything was in place.

John Martabano: Even the records that we had because there was a subsequent suit because somebody was injured; they went to our insurance company and we've been unable to get them back.

Whitney Singleton: Just for clarification; the board is authorizing the Chairman to sign this plan subject to you showing a right hand turn lane only and striping the lot.

John Martabano: Do you want me have the architect just add the sign?

Whitney Singleton: Absolutely. Quite frankly, if it's okay with the board I would prefer this be done in the form of a motion.

Motion To Authorize The Chairman To Approve And Sign Off On The Newly Proposed Site Plan For 130 North Bedford Road

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

Continuing Review

Sprint Spectrum
128 Main Street
PB2007-01

Present: Daniel H. Braff, Snyder & Snyder, LLP

Daniel Braff: Good evening. As you recall Sprint is requesting a special permit and site plan approval for a roof top personal wireless service facility. During the last meeting in May the application was formally accepted by this board and deferred out to various departments for review and comment, and I am here tonight to receive such comments. I have not seen them as of yet.

Chairman Cosentino: What other places have you looked at?

Daniel Braff: We had a list. As you know, Sprint is already located at the southern section; the overlay district at Oakwood Cemetery, the existing tower. That was a dead issue. We looked at the existing Village water tank on Mountain Avenue as well as the existing Singulair tower and both the water tank and the tower would not work.

Vice Chairman Sturniolo: How come?

Daniel Braff: The actual gap in coverage is in the downtown area of the Village, and those two locations failed to provide coverage to that area. We did provide coverage maps which demonstrate that fact.

Chairman Cosentino: Isn't the higher the better?

Daniel Braff: No. Actually in many cases, due to topography, you'll actually pass a signal over an area. It's really line of sight, so topography comes into play.

Chairman Cosentino: Have you looked at any other place in the Village?

Daniel Braff: At the request of the board we also looked at the fire station just off Main Street, which was actually too low as compared to the proposed site. We ran those maps at a height of 30 feet and that was the height of the building. We also looked at proposing a new tower in the southern end of the overlay district. The northern portion

of the overlay district, at the Curtis Headquarters property also failed to provide sufficient coverage.

Chairman Cosentino: Have you ever talked to the hospital?

Daniel Braff: I'm not sure; I'll have to look into that. It was my understanding that one of the provider's maybe a couple of years ago proposed a site at the hospital, and for whatever reason that fell through, the hospital wasn't interested. The Hospital is south and east in the overlay, so it may also fail to provide coverage downtown. This site is really providing coverage down Main Street; it possibly may be too far away from that.

Vice Chairman Sturniolo: Also the new library building.

Whitney Singleton: Are you the same entity that looked into putting one in the cupola of this building?

Daniel Braff: I believe Sprint did look into that and the folks said they weren't interested.

Whitney Singleton: I don't know if that's an accurate statement. I think whoever looked into it said it wasn't feasible.

Daniel Braff: I can confirm that with my engineer.

Chairman Cosentino: These are just some locations I think you should look at before we make a decision.

Daniel Braff: Understood. I would assume the library and the cupola are outside of the overlay district as well, but we'd still be happy to look at it.

Chairman Cosentino: The firehouse?

Daniel Braff: Wasn't feasible; hook and ladder rooftop at 30 feet. That would be Exhibit F of Exhibit 2 of the memo.

Nanette Bourne: If you look at the memo that's in your packet, it outlines the process that the board has to go through, and if you're satisfied that all these questions have been answered they would become whereas' in the resolution.

Whitney Singleton: It also serves as a predicate for... I think your board is expressing a desire for them to look at a couple of other locations.

Vice Chairman Sturniolo: When you refer to those notes, we've never seen any reports as to why the fire house's 30 foot height doesn't work for you, etc. We need some hard paperwork to read.

Daniel Braff: We submitted it a long time ago. During the conceptual review the board asked us.

Vice Chairman Sturniolo: Forgive me, my apology.

Doug Hertz: I am curious as to conceptually, why other providers have been able to use the overlay district sites to provide coverage and Sprint can't.

Daniel Braff: I can't speak for the other providers. I'm not sure they can provide coverage in the downtown area. I know I have a Verizon phone, and it does work to some extent, but I know that Sprint currently does not have coverage in the downtown area.

Doug Hertz: Again, as long as you're looking at other locations, I would look to some of the previous solutions. The overlay district wasn't chosen accidentally. It was chosen for a number of reasons having to do with not only less intrusion but also the fact that it would work. It seems to have been successful for most of the providers that we've been dealing with. I appreciate that you're saying it doesn't but I don't exactly understand if there is a difference in technology or something about where your locations are, or something else that does not currently meet the criteria, but other providers have been able to use those locations to provide adequate coverage. Whether there is not room on some of those antennas for co-location or whatever.

Daniel Braff: We will address that further. Were the memos issued by ARKF, which I have not received?

Nanette Bourne: You should probably follow-up in those areas we talked about again and let us know.

Daniel Braff: Not a problem. Thank you very much.

Public Hearing

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

**Present: John Partenza, Northern Westchester Hospital Center
Eric Schneider, (here for Ross Cole)
Scott Blakely, Insite Engineering
Mr. and Mrs. Sairitupa, residents of Boltis Street**

Chairman Cosentino: This is on the steep slopes permit on the oxygen tank that will be moved. The oxygen tanks are being moved 25 feet for safety and they are outdated. At this time they need portable units to compensate oxygen that they need. Is there anybody in the audience that opposes it?

Celia Sairiduba: My name is Celia Sairiduba and I live on Boltis Street, and my house is right opposite that oxygen tank. I live on the other side of the street.

Chairman Cosentino: There was always a tank opposite you, though.

Celia Sairiduba: Right. We have some concerns, safety issues.

Chairman Cosentino: What are your safety issues?

Celia Sairiduba: When this tank is moved 25 feet, which way is it going to go?

Chairman Cosentino: Towards Moore Avenue.

Celia Sairiduba: Is there any blasting or any drilling?

Chairman Cosentino: No blasting.

Eric Schneider: This is the existing condition with the single tank. Basically what we're proposing is a slight move as well as the addition of this tank here.

Celia Sairiduba: Towards where? Is it going over this yellow line into the rural area?

Eric Schneider: No.

Celia Sairiduba: Where exactly are you going to put this tank?

Eric Schneider: The existing tank is in this area right here, so basically it's in the exact same area. In order to allow for this additional tank, we'll need to create a retaining wall for the area.

Celia Sairiduba: Right, but where are you putting the tank?

Eric Schneider: In the same location. Everything is contained within the concrete slab.

Celia Sairiduba: Are you going to do any blasting or drilling, because all of this is natural rock is part of the hill that crosses Boltis Street. So if you have drilling or blasting you're talking about damaging foundations. We are about 250 feet away from where houses are. So this is a concern.

John Partenza: There is no blasting to be done. If we were to blast we would need a permit, and we did not apply for any permit.

Celia Sairiduba: I know about houses that have been damaged due to drilling and blasting and our houses are not too far away from that site area so there is a concern.

Chairman Cosentino: They are only going down a little bit. If it wasn't for steep slopes they wouldn't have to come over here, they could just move it down.

Celia Sairiduba: But that's a lot of rock.

Chairman Cosentino: If it wasn't for a steep slope permit, they could just do it. The only reason why they are here is because they are interfering with a steep slope.

John Partenza: And we're just as concerned with safety because right behind that is our nursery and our OR, so we have to be very careful how we remove rock.

Chairman Cosentino: Is there anybody else here?

Stanley Bernstein: They just raised an issue. I want to see that site. I have a suspicion that their house is built on that same rock. That rock extends all the way into Boltis, doesn't it?

Chairman Cosentino: No. It does not extend into Boltis.

Stanley Bernstein: Where does the rock end?

Chairman Cosentino: About 25 to 30 feet on the other side.

Celia Sairiduba: That rock goes all the way in. It's in my basement and ends before my neighbor in the back.

Stanley Bernstein: I would like to look at that.

Celia Sairiduba: It's really huge and extends to the whole area. I can show you where it ends in the back.

Stanley Bernstein: Do you know specifically, geologically what is there? I think you should investigate that.

Scott Blakely: There were borings done on the site in that location and they hit refusal at three and a half feet. It's either very compacted soils or there is rock. As we presented to the board at our initial meeting, soil and rock will be removed.

Stanley Bernstein: It's a piece of shale, isn't it?

Scott Blakely: Yes.

Stanley Bernstein: So how can that possibly end? Is there silt beyond that?

Scott Blakely: I didn't say it ends. It could continue. There is a ridge line, actually a drainage device almost right along the property line here.

Stanley Bernstein: You're chipping out all that red?

Scott Blakely: No, not all the red. Our limit is in here. The ideal way to remove the rock is going to be to rip it and to chip it. As John mentioned, we don't want to blast; being in close proximity to the hospital.

Celia Sairiduba: What about drilling? Drilling can also cause disturbances. If I didn't have that concern I wouldn't be here tonight, but I know for a fact when they built out of Route 9 that a lot of houses were damaged due to that. I don't want that to happen.

Scott Blakely: Again, it is not our intention to blast at this site. I think the drilling and the ripping is not going to cause those off site affects that you get with blasting. It is not our intention to blast, and if we have to there are certain precautions and a permitting process that we have to go through with the Village to make sure those precautions are taken.

Mr. Sairiduba: So how can you demonstrate those vibrations are not going to affect my rocks?

Scott Blakely: I'm not a geologist.

Mr. Sairiduba: Doesn't matter, you're an engineer, right?

Scott Blakely: Yes, but it's not our expertise. I can't tell you that.

Stanley Bernstein: Perhaps you should get a geologist to look at this. I think we ought to make a site visit here.

Celia Sairiduba: Excuse me. A lot of stuff has happened over the past year. I know there have been planning and all that, but I had people that came and surveyed and even went on my property without even asking me.

John Partenza: From the hospital?

Celia Sairiduba: Yes. I think we deserve some kind of courtesy. Some of my neighbors didn't come because they are probably not concerned, but I have this rock in my basement, and that is why I want to make sure that this is not going to cause any problems.

John Partenza: You said two things that concern me. We entered your property without your permission?

Celia Sairiduba: When they were surveying distances and so on, there were surveyors all over Boltis Street, and I asked them, and they didn't even answer me. They did not have the courtesy in the past to inform us.

John Partenza: I apologize, but I am unaware of any surveys we had done lately that would have caused that. If that were the case, I apologize. As far as the chipping, it's closer to the hospitals houses, and we will monitor that. I can assure you we will take every precaution and we will be responsible for any damage. Relatively speaking this should not be a large project.

Celia Sairiduba: I don't know how responsible you will be, and I'm only bringing this up because my house faces another house that belongs to the hospital. That house has a cable for Cablevision, Verizon, Con Edison and they didn't know where that cable came from. This past storm all the cables went down. When this cable is full my cables go down; it does a ripple effect. I called all the companies to please come and fix that because nobody from the other house cares because they are renters. Nobody came except Con Edison. They posted a guy outside 24 7 for three days. Finally, after three days of worrying about these cables coming down and fire; Verizon came, tied the cables to the tree and that was the end. It's not safe. There is a big cable hanging on the tree tied on the tree. It's the hospital cable. Finally Cablevision admitted to me that that cable comes from house #48, and then they connect the cable across the street. Now, that cable ripped my gutter; I called the hospital, nobody came to look at the problem.

John Partenza: Is this when we had the storm and a tree fell and knocked down the Cablevision lines on Boltis Street, and somehow something we did pulled it out of your house?

Celia Sairiduba: So you are guaranteeing me that nothing is going to happen here?

Chairman Cosentino: That had nothing to do with the hospital.

John Partenza: But I'm being told it did.

Whitney Singleton: Perhaps I can offer one thing here. Although it would be discussed not now, but when you go to a potential resolution, the board will likely require that certain precautions and security instruments be provided to make sure that there is not any resulting damage to your house; whether it's a bond or a letter or credit.

Celia Sairiduba: I just brought this up because this is a minor thing that could have been a big thing. But what happens if something happens to my foundation?

Chairman Cosentino: You will get a letter or credit or something stating they would be responsible.

John Partenza: And we would be, but as far as the cable, I don't know what happened there.

Chairman Cosentino: If there was anything that I thought would be wrong I would tell you.

Stanley Bernstein: What does the red represent?

Scott Blakely: The red represents the slopes in the project area that are 25%. The area of our disturbance is right in here. This is showing within certain distances that your code requires.

Stanley Bernstein: It's true we heard this all before, but now it's in a different light. It never dawned on me, I'm not a geologist either, but I do know the natural scene and it seems to me that this is a piece of ledge rock that goes right through probably to the other side of Boltis.

John Partenza: All I can say to that is we'll do the right thing. A few years ago we knocked down the south parking lot, leveled that and we did all the right things by the neighbors. We managed to knock down that rock without doing any disturbance to the neighborhood, and we did exactly what you suggested.

Chairman Cosentino: It's not a rock it looks like bark on a tree.

Stanley Bernstein: That's why I want to see it. You mean some kind of a sedimentary rock composite.

Anthony Oliveri: Scott and I had spoken about applying to the DEP because it's a designated Main Street area, and I think they are still in discussion with them and they are working on that.

Scott Blakely: We dealt with Anthony's issues with regard to the drainage and the storm water. We designed a system to collect the additional impervious associated with the slab, we're storing it, we're dealing with quality and quantity for the two, ten and 25 year storms based on the Village code. We've had discussions with Matt Gionetta and the reviewing agent for this; we've made a submission to the DEP. They are reviewing the same information that Anthony has right now. We have a meeting set up with them within the next two weeks to review it to see if we could expedite the minor project here.

Anthony Oliveri: Scott got us the information yesterday. I didn't see anything out of the ordinary.

Chairman Cosentino: So it could be a condition of the resolution.

Motion to Close Public Hearing on the Oxygen Issue with Northern Westchester Hospital Center and Keep a Ten Day Written Common Period Open:

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

Vice Chairman Sturniolo: (to Mr. and Mrs. Sairiduba) do you understand what we just did here? We just closed the public hearing; we didn't approve anything.

Celia Sairiduba: Yes.

Chairman Cosentino: (to Mr. and Mrs. Sairiduba) If you want I can come down there and pick you up, take you over there and show you just what they're going to do.

Celia Sairiduba: No that's fine, as long as you keep me informed.

John Partenza: I will give you my name and number, and if anything you can call me directly at the hospital.

Nanette Bourne: Related to the hospital I want to go back to my skepticism for their ability to put together their ED application. I was thinking we had a meeting in two weeks; I was not counting on it being a month. It's quite possible that they have enough time.

John Partenza: Thank you I appreciate your time.

Whitney Singleton: As a follow-up; the next meeting for your board will be when?

Nanette Bourne: The question has to do with whether or not you will adopt a resolution with getting DEP approval as a condition.

Chairman Cosentino: Yes, the 14th.

Whitney Singleton: So you're looking for final action on the 14th?

Chairman Cosentino: Yes, the 14th on the resolution.

Final Action

Charisma Holding Corp.
19 Kensico Drive
PB2006-23

Present: Janet Giris, Esq., DelBello Donnellan, et al
Diego Villareale, Project Manager, John Meyer
Consulting
John Buonanno, Owner, Charisma Holding Corp.

Chairman Cosentino: Gentlemen we have a resolution here. Somebody brought something up about a parking car; did you resolve that, what did you do?

Diego Villareale: Originally there were three angled parking spaces near the main entrance. They have now gone to perpendicular spaces and six have been allocated along that side of the building, and then no parking is permitted on the opposite side, so you have a full depth; 18 ½ foot parking space with at least 24 feet; it's actually about 26 feet.

Chairman Cosentino: What about the shrubs?

Diego Villareale: That's on the landscape plan which was submitted, you have that as a separate package.

Chairman Cosentino: Did you see that Doug?

Doug Hertz: I thought that was all part of one site plan.

Diego Villareale: There are two. The 11 x 17 figures illustrate the landscaping and this is the architect's site plan.

Janet Giris: That did not change, so we did not re-submit that.

Doug Hertz: Correct. Nannette, is the resolution reference both those documents then? I will assume that numbers two and three are those documents in the resolution.

Nanette Bourne: Yes.

Motion to Determine that the Storage Facility for Charisma Holdings, Application PB2006-23, 19 Kensico Drive, as a Negative Declaration

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

Vice Chairman Sturniolo: In # 13, I'd like to add: make showroom, nor a display vehicle area; and then on # 14 where it talks about the trailer drop off at the site, and I'd like to add: or any other type of transportation vehicle. And in #18 we just need to fill in a couple of dates, obviously, and then I'd like to add a #21 and some language about loaner repair vehicles will not be given out at this site. Then, since we added that thing to #13, on the page prior to it on the second to the last whereas, do we need to bolster that language and repeat that again, or any other type of transportation vehicle?

Nanette Bourne: I think we did.

Doug Hertz: So the mezzanine was eliminated?

Diego Villareale: Completely eliminated.

Vice Chairman Sturniolo: Am I correct that you're stating to this Planning Board that this facility is going to be used for storage of vehicles, washing and preparation of new vehicles, and you're also stating to this board that the vehicles are going to be driven with transportation plates on them, I assume from Goldens Bridge to down here. The work gets done here, and then these vehicles are driven back to Goldens Bridge. Are you comfortable with the additions that I made to the resolution?

Chris Buonanno: Yes.

Vice Chairman Sturniolo: I've always had a concern that this application may be something more than what we have initially heard; such as a display area for a vehicle, or a drop off point where someone could bring their vehicle for service, drop it off here, pick up a loaner and the dropped off vehicle is individually driven to Goldens Bridge.

Chris Buonanno: That won't happen here. I assure you.

Vice Chairman Sturniolo: Okay. Thank you.

Vice Chairman Sturniolo: You need to adjust the parking fee and return some money back to you because you decreased the amount of parking spaces.

Janet Giris: No, we have not. What is it based on?

Vice Chairman Sturniolo: 18 spaces.

Janet Giris: Then, yes. Now it's nine. We'll work that out.

Motion to Approve the Resolution as Amended Verbally for Charisma Holding Corp., PB2006-23.

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

Aye: Chairman Cosentino

Chairman Cosentino: We have a letter from the Conservation Advisory Council, Minutes.
Meeting adjourned at 12:05 am.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary