

Minutes  
Regular/Work Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, December 9, 2008

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

**Due to technical difficulties portions of the minutes were "inaudible" and will be noted as such.**

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

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

**Public Hearing:**

**Mount Kisco Sports Arena  
333 North Bedford Road  
PB2008-16**

**Recused: Doug Hertz**

**Present:**

**Jim Diamond, Diamond Properties, Property Owner  
Michael Gallin, Principal, Gallin Design Studio  
Ken Rudolph, Developer, Mount Kisco Sports Arena**

**Of Counsel:**

**Lester Steinman  
David Stolman**

Chairman Cosentino: For the public's sake, please give us a brief recap.

Michael Gallin: At the last meeting there was discussion regarding the use specifically the potential league play at the facility. We provided additional information, which followed with a series of e-mails and letters to Austin Cassidy to supplement the information we provided previously. We also provided a revised letter that outlines incidental uses on this property that involve the sale of goods. We have provided that amended letter to include Ideal Electric.

David Stolman: One of the issues that we spoke about at the last meeting was the use of the facility for league play. The way we left it was to turn the question over to Austin to determine if this accessory use is unconnected to training.

Austin Cassidy: Your staff has gone over the various data that was submitted, and we've come to the consensus that this is customarily difficult as we look for any training facility where they are either in a club format or training format it is very clearly an ancillary incidental accessory use. We feel that by quantity of hours, they may or may not use for that type of function would keep it as an accessory use.

David Stolman: So we could craft a resolution based upon, to limit the non-training portion. Our concern is that the economy could worsen. We turn back to you and ask hours per day. For example, hours per day per weekend.

Ken Rudolph: I would have to speak to the director to find out what hours you really need. At the last meeting, I thought it was just going to be the late night hours. That's primarily what it is going to be but I don't want to step on their toes.

Austin Cassidy: That's an important point. We looked at it exclusively in the context with very late night activities in which there is zero impact on parking and certainly, traffic on North Bedford Road would not be impacted by these functions.

Ken Rudolph: The other thing we want to make clear is that these are not outside leagues that are coming in. These are our own leagues that we operate in house. It would be our people; referees, coaches, it is not open to the public. We even pick the teams. The league is formed by having try-outs, and it's not open to the general public. It is our network of players.

Vice Chairman Sturniolo: So the control of the participants remain within the managerial operation of your business?

Ken Rudolph: Absolutely.

Chairman Cosentino: Do I understand that the basketball courts are not full competition courts?

Ken Rudolph: They are not NBA.

Chairman Cosentino: So we're not going to read in the paper that Mount Kisco Sports Arena and Scarsdale won't be playing one another?

Ken Rudolph: Right. The basketball leagues are AAU teams, high school and under.

Chairman Cosentino: Will there be competition between schools?

Ken Rudolph: We don't have that.

Chairman Cosentino: There is not going to be competition between schools or another municipality?

Ken Rudolph: That is not in our model.

Chairman Cosentino: This has to be clearly understood.

Ken Rudolph: We do have some schools that we're talking to that want to come in during the day and use the facility, but they are not schools like Fox Lane.

Chairman Cosentino: I think we have to understand that competition is good, but competition for other municipalities is where you would draw in traffic.

Austin Cassidy: It seems like this is a moving description, morphing into something else. It's a little bit different than what you had last time.

Ken Rudolph: It's really the same thing.

Austin Cassidy: Now you're talking about schools in the daytime, and we were talking about nighttime activities.

Ken Rudolph: That's not the league. That's our training facility that would be coming in during the daytime, not as competition.

Chairman Cosentino: So if you put in the final resolution that there will be no outside competition of any leagues coming in, that would not be a problem.

Ken Rudolph: Those are leagues that we are forming ourselves; leagues that we set up in house.

Jim Diamond: If I understand what Austin and David are saying, we should propose a number of hours per week?

Austin Cassidy: Let's say for example only, not to exceed two hours per day and that should be at the end or off-peak hours of operation as was previously described to us, but the parameters keep moving around. This is difficult for us as staff because we want to try and give an opinion so we want something that is going to stay still.

Jim Diamond: I think this model of the facility is sports training and classes that people would be paying for on an hourly basis with a subscription model number of classes six or eight weeks in a row, something like that. I think the idea is that incidental to that

there is some team play, which will often be people who are simultaneously taking lessons at the facility as well. I don't think we're being intentionally vague. It's difficult to pin down exactly what the hour is, how many people, things like that. I think we could try to come up with a general plan. One point I think is relevant, as we mentioned in the letter, we actually don't think the impact on traffic is any different whether it's training or a game, because it's generally the same number of people or less on the field if it's a game or if it's training. The facility is not being set up with a large area for spectators. We are leaving very little area between the fields for spectators. There is not a large bleacher section that accommodates a couple of hundred people watching something going on. There is just enough room for the people playing and the parents who drop them there.

Michael Gallin: Also, in terms of the hours, I think a more appropriate way of handling it would be to do it for a week rather than a day. If a team is coming in on a Tuesday evening, that might arbitrarily distort one day from another.

David Stolman: I think that would be a reasonable measure and completely understand if the business model has to change.

Lester Steinman: Our concern is the adults with the evening time. If this were allowed you would be open until 9 or even midnight. That's what we are concerned about and trying to get a focus on. How much of non-trained people would be coming in.

Ken Rudolph: That's exactly the way it is except for example, we have an AAU program of teams that play each other. The teams will play on Saturday at 10, or we'll have a tournament with teams playing Saturday and Sunday. It varies.

Chairman Cosentino: I am not against the concept, but because of Grand Prix, we need to dot our "I's" and cross our "T's." Right now, I have a great cloud over my head and we have to understand this more. I think we need more information, because we are going to end up saying later on, "I didn't know this was going to be like this." I think staff has to do more work on this.

Jim Diamond: It seems like the easiest way to deal with it is to pick some number of hours per week. To some extent, it will be a random number and say the number of hours per week won't exceed this number of team play that doesn't involve people who are taking classes at Mount Kisco Sports Arena.

David Stolman: I think we have to work on tournament vs. training hours. Tournament play seems like it could be rather substantial.

Jim Diamond: The idea is not that there is a tournament with lots of teams there. The idea is that there is a tournament with teams that are playing at a different times than the other teams that are playing.

David Stolman: This needs to be defined.

Ken Rudolph: We are still limited to the amount of people we have in the facility

David Stolman: Right and the maximum number of people are 200.

Ken Rudolph: Anything that we do would have to be on the hour. We could not put 20 teams playing basketball.

Jim Diamond: There are only two courts for basketball that can only be for ten players and then there is the multi-purpose field, which can be up to approximately 30 people depending upon how it is configured, baseball or lacrosse. Then indoor golf and the training tunnels.

Chairman Cosentino: And you are charging by the hour.

Jim Diamond: The way the facility is built, it is not the type of facility where there is any logical reason for there to be a large number of people there.

Ken Rudolph: We only have a certain amount of people using the facility at one time. We do not have a separate spectator set up.

Vice Chairman Sturniolo: Is there a way to differentiate the impact between these in-house self-created leagues and the training facility that these same people have used

prior to this intramural competition? Does it have the same traffic impacts? If it is the same people, does it have the same amount of people coming in and out? For example, I go there and train and take lessons in a particular sport and then a week later I participate in this intramural competition with my fellow classmates. Does that impact differentiate?

David Stolman: Last meeting there was a question about people who are not training; would groups like that not be turned away? I think the intention is fine; how this might evolve is the concern.

Jim Diamond: That was not something the sports arena mentioned, that was something the board raised as a potential concern. It is clearly not something the sports arena has planned.

Vice Chairman Sturniolo: Then again, that could easily be regulated in the approval of the resolution.

David Stolman: It could be written into the resolution.

Chairman Cosentino: And who is going to police it? You could put anything you want in the resolution, but who is going to police it?

Jim Diamond: I do think it is important to keep in mind the physical limitations of the facility. Since you mentioned Grand Prix, I know people were upset about a couple of things Grand Prix did, but those were things they did outside of their approval in terms of having that outdoor event. If you look at the fundamental way in which they operate, what we originally said was they have two tracks. There is a physical limitation of the number of people that can be there. In terms of traffic operation, Grand Prix is working exactly the way it was designed to work.

Chairman Cosentino: I agree. I have said all along that Grand Prix is not what I expected to be. It was said by the public that was here last meeting as well. That is why I want this to be what we want. The concept is good, but I think we want it to be what we think it should be and not have to police it. We need the resolution to be something we could live with.

Lester Steinman: Right now, the record contains what the applicant submitted as the anticipated typical weekly schedule. If you look at this schedule, you will not see anything that vaguely resembles what we are talking about tonight. We need to have a weekly schedule that conforms to what they intend to do out there. Then we can make a determination based upon that.

Chairman Cosentino: That would be the thing.

Jim Diamond: I think the point we are making is that schedule should have been a typical maximum number of participants in the facility, and our point is that's the same number whether it is a game that is going on or whether it is instructional play. One way or another, those are the numbers. I think 71 participants may have been the number.

Lester Steinman: I am also talking about the activities. We need to know what other activities are going to be planned there.

Stanley Bernstein: A business model that is proposed now in December 2008 may not be the business model that you guys really want in December 2009. There are various circumstances that evolve, perhaps business is sliding and you want to jazz it up a bit. The green part of this is the all-purpose field. How much money would it take to set up a grandstand space to look at a baseball game to seat 200 people? No problem and we will not even know about it. The track record of your tenants is not the greatest in adhering to what we want.

Jim Diamond: You can see the three baseball infields taking up the entire multipurpose field, so if we encroached upon that we would have to eliminate one of these.

Stanley Bernstein: So you would not have any instructional training during the time of the tournament.

Chairman Cosentino: Austin, if they did any internal work, such as bleachers, they would have to come back to you anyway.

Austin Cassidy: Yes, for a number of reasons.

Chairman Cosentino: And you can deny if there is reason to deny?

Austin Cassidy: Yes, I can. I would say if it were significant enough from the departure from the business plan that we approved, I would say yes.

Stanley Bernstein: Given their track record, we may not even know that they are in there doing that.

Lester Steinman: We need to make it certain to say no grandstands.

Joseph Morreale: How confident are you in the business model you presented?

Ken Rudolph: Very comfortable.

Joseph Morreale: If this was totally, a training facility and you did not have tournaments you could make a go of this?

Ken Rudolph: There are tournaments for the basketball and soccer, but you would have to go with a small number of people.

Joseph Morreale: It seems to me if you were really confident in the training facility, then us asking to limit the tournament possibility would not be a problem. But the way we see the reaction to what we ask is that you want to maintain your flexibility. Is that a correct read?

Jim Diamond: I think so, and I think that is because we are living in a tough economic time. It is important for businesses to be able to survive and prosper within reason and within the restrictions of the site that we have, for both this particular use and our overall property, which keep in mind, is restricted in terms of the number of vehicles that can enter and exit during any particular hour. I think we have been very flexible with the property and willing to put a number of restrictions in place for the property as a whole and for tenants, but it is important for businesses to be able to survive. I think one of the reasons for concern is given how big the facility is, which is a problem we have with all of our spaces. If this was a 5,000 square foot space, there may be less concern. But I think it scales up in proportion in a positive way as well, because it is consuming 72,000 feet, which is not being used for warehouse, trucking on the streets. It is a big space, which is why we have been attracted to these types of uses that consume a lot of space while having a relatively minor impact on the community. Remember there are not a tremendous number of employees for a facility like this as well.

Joseph Morreale: I do not think the concern is the employees, I think it is the participants. So it seems to me we need to come to some sort of an agreement, middle ground, and we are not there yet.

Ken Rudolph: At the Brewster facility, there are 14 basketball tournaments a year.

Joseph Morreale: And what is the volume of people that participate?

Ken Rudolph: The amount of people you can fit on the courts.

Joseph Morreale: But we are also thinking of traffic flow. I think there is more discussion to be had because we are not settled. I can understand where you are coming from, that is why I asked the question. On the other hand, you can see where we are coming from. We are trying to establish some kind of rules to keep this manageable, especially having been burned before.

Chairman Cosentino: I do think the concept is good. It just needs to be put in place.

Michael Gallin: I would love to be corrected if I am wrong, but the only mechanism that would handle this is the resolution. The language has to be carefully drafted such in the interest of the tenant.

David Stolman: Both proposals need further documentation. I think we can do what we need, but I think we all need to better document the training use and non-training use of the facility.

Michael Gallin: Les brought up submitting details of a typical week, and the point is the typical day of typical week is all training. But what you are asking now is theoretically, will there ever be a league; what could you possibly put in 70,000 feet.

David Stolman: The point is there is an array of non-training things you want to have. You can define what that array of non-training uses would be.

Austin Cassidy: I think as a tag on to that is that maximum utilization, whether it is all training or training, and a special event or training and league support, no matter what it is it will never exceed the maximum utilization numbers for the tenant. If that were the case, that number would be the point of analysis.

Jim Diamond: So whether it is a game or people training, it is the same number. That may be an easy way to address it. If the board feels that is adequate protection. I think even a better way than eliminating hours is to limit occupancy of the facility.

Ken Rudolph: We can give you what the number of hours will be for non-training use.

Michael Gallin: Just to be clear, if you have the entire facility in one basketball team used, we have to figure out a way of pro-rating the total percentage of the facility that is being used for that particular league. We could explain it to field hours and court hours.

Chairman Cosentino: There is no alcohol being served here?

Ken Rudolph: No.

Chairman Cosentino: And all you have is soda machines?

Ken Rudolph: A small concession. We put a sample menu in your packet.

Chairman Cosentino: I see Grand Prix had a special of two-dollar beers on Saturday night.

Jim Diamond: I know there is a lot of concern about Grand Prix, and I do think a lot of it is perception and not reality. It has been open for nearly a year now, and there has been no issues in terms of police presence, people getting arrested or drunk driving. It really is operating within the parameters of what was approved. They made a couple of really bad decisions.

Chairman Cosentino: It is being operated in size parameters, not the resolution parameters.

Ralph Vigliotti: Are you going to maintain coin-operated machines like arcade type games?

Ken Rudolph: No.

Ralph Vigliotti: I know there is an arcade now at Grand Prix. We want to define what belongs.

Chairman Cosentino: There might be something in the resolution that says they can have that.

Ralph Vigliotti: Sometimes you get caught up between video games and coin operated machines. Are you going to have any coin-operated machines besides vending machines?

Ken Rudolph: No.

Ralph Vigliotti: So that can be placed in the resolution that there can be no coin operated machines or video arcade.

Ken Rudolph: Yes.

Ralph Vigliotti: And absolutely unequivocally, no alcohol will be served at any kind of event?

Ken Rudolph: No.

Ralph Vigliotti: That can go in the resolution. We are narrowing the scope here.

David Stolman: One thing came up when a member of the public was here was possibly making the crossing of 117 more pedestrian friendly. I urged the applicant having John Collins look into that with the state. There is some sort of overture with the state, which possibly might need to be modified.

Jim Diamond: We did speak to John Collins and he pursued this a couple of years ago when the site was first approved for re-occupancy, and the feedback that he'd gotten at the time was that the state was not favorable to a crosswalk there because it would disrupt the overall flow of traffic. But John did suggest we re-approach the state and perhaps a letter from the village requesting the crosswalk there would help secure the argument. I am looking at the old materials we submitted and I am not sure how we would continue to modify because everything we submitted talks about discipline counts and we do make reference to games and coaching. I feel as if we could submit more, but we would be submitting the same stuff. The original document that we submitted talked about all the scheduled programs.

Michael Gallin: There is a table of the company summary of basketball tournaments.

Jim Diamond: We have submitted a tremendous amount of material in the past six or seven months.

David Stolman: Non-training and accessory use needs to be better quantified by you.

Michael Gallin: We would like to do it in a way where we are generating some language that would be acceptable to everybody. If it could be more of an interactive process, we can talk about what those constraints are and we can adapt whatever material we submit.

Ken Rudolph: We can put some schedule together.

Chairman Cosentino: We need to meet with them and come back with the meat of the problem. You need to work something out with staff and bring it back to us.

David Stolman: We will set something up tomorrow.

Vice Chairman Sturniolo: For someone to participate in these intramural leagues, to get to the facility would they be bringing equipment with them, no matter what the game is?

Ken Rudolph: A person might bring his own bat for baseball. We would provide the baseballs and basketballs. A lacrosse player might bring his own stick.

Vice Chairman Sturniolo: I am throwing this out because the idea of having public access down Ice House Road may be a double-sided sword. I am thinking back to when we first discussed it; the pros and cons to having the public walk along Ice House Road to get to your facility. It is something for all of us to think about.

Jim Diamond: We did think about it a couple of years ago, but at the time we did not think there would be a way to put sidewalks on Ice House Road to get down to the facility. There are curb cuts all the way down, so we did not think there would be a good way to do a sidewalk.

Vice Chairman Sturniolo: And then there was also the concern of the soccer field with people roaming in and roaming out. When we craft the letter, we need to think of both sides of the issue of the public having access down Ice House Road.

Lester Steinman: We also need to discuss Ideal Electric.

Chairman Cosentino: I went down to Ideal and I counted about 18-22 people coming in. I do buy items there once in awhile. Not one person was a non-electrician.

Lester Steinman: They were all contractors?

Chairman Cosentino: All contractors. There was not anybody in there from the public looking to see fixtures.

Ralph Vigliotti: Your point is well taken. Most of the people that are there when I am there are contractors.

Chairman Cosentino: A contractor will bring their client in there to look. Very seldom would a client go in there.

Austin Cassidy: On that point, the question was posed whether or not there was a major majority of products that were in the display room. It is not an over the counter operation per se.

Vice Chairman Sturniolo: To echo a point that you and Mr. Vigliotti raised, after reading the material I went over to Ideal Electric and nothing looked like something that you would take off the shelf and buy. In my opinion it is a contractor's home base.

David Stolman: Since the last meeting, he was asked to update this document that is specified in your last resolution. He has updated that and has that quantified now. I think we can incorporate this into the resolution.

Michael Gallin: Is the building permit contingent on some sort of action on a resolution or is it an administrative issue at this point.

Jim Diamond: It is not a change of use because that space was already approved for a wholesale warehouse and distribution, so it is not a change of use. Do we have to wait until a resolution for the sports arena?

David Stolman: I do not think so. I think the Planning Board is saying that you they are not retail, so they are free to go ahead and issue a building permit.

Lester Steinman: We will keep the public hearing open and set up a staff meeting and reschedule for the next meeting.

## **SEQRA**

**280 East Main Street #2 LLC  
(Getty Station)  
280 East Main Street  
PB2008-22**

**Present: Chris Thomas, Montgomery Distributors  
Joseph Fidele, Property Owner**

Chairman Cosentino: This is a continuation of where we left off at the last meeting. Things have changed since the last time you were here and I am going to call on Anthony to explain to them what we would like on Gregory Avenue. As you know, we feel that this parcel has to be set alone where the gas station is. I know someday they are going to come in for a subdivision. That subdivision line has to disappear. You are going to have to have your Engineering Department with the help of ours design something to curb Gregory Avenue, and we need something in there to make it look nice.

Chris Thomas: We will add to the existing planter that is there on the left hand side of that entrance and go right across.

Chairman Cosentino: You will have to bring a rendering in of what it is going to look like. And you are going to need arrows as far as ingress and egress.

Anthony Oliveri: The line needs to be removed on the site plan. The painted arrows should be added to the at the entrance and exit curb cuts on East Main Street. The runoff from the proposed canopy must be directed into downspouts and connected to the storm drain system in East Main Street. The details must be included on the plan. The existing conditions survey does not show Belgium block curbing, however, the proposed site plan lists curbing as "existing."

Chris Thomas: It is in now.

Anthony Oliveri: It should be part of this site plan. Also, it is unclear if the painted parking spaces are proposed with this site plan or existing. They should be shown to meet Village dimensional requirements. The lighting plan does not fully comply with the new proposed Illumination Guidelines; including maximum illumination levels and trespass lighting. The trespass lighting does not meet and it has to do with the canopy



to the right of the property. If that is an issue that cannot be met, we have to talk about that.

Vice Chairman Sturniolo: Is it predicated on the newly proposed lighting plan?

Chris Thomas: Yes.

Anthony Oliveri: Also, it appears that the curb cut along Gregory Avenue may not fully comply with 93-33 of the Village code due to its apparent proximity to the corner.

Chairman Cosentino: You are going to have to work with him on the drainage there.

Chris Thomas: I will have my engineer call Anthony.

Chairman Cosentino: Also recoating of the front area, and then put your arrows in.

Chris Thomas: We are going to do that as part of the plan.

Vice Chairman Sturniolo: Have you removed the American Flags from the property?

Joseph Fedele: The wind did it for us on Sunday night.

Chairman Cosentino: Check with the Building Department to see if you can do that.

Whitney Singleton: Flags are flown on Village Property.

Ralph Vigliotti: Can we have a promise that if a truck backs into a tree and knocks a tree over that the tree will be replaced?

Chris Thomas: Absolutely. I will put that in the plan.

Ralph Vigliotti: How much more are you going to extend the existing planter with that new curb put into place?

Chris Thomas: To the end of the other side of the driveway.

Ralph Vigliotti: Almost double the size? That will be nice.

Vice Chairman Sturniolo: Are there any other uses of the property other than gasoline sales?

Chris Thomas: Gasoline service station. That is it.

Vice Chairman Sturniolo: No rental of parking spaces to outside businesses or anything like that?

Joseph Fedele: No.

Chris Thomas: I will now make all those changes, and I will have the engineer speak with you directly.

Chairman Cosentino: Your engineer has to work with Nanette and Anthony, and I will put you on the next agenda.

Doug Hertz: Based on what you came in with last time, all of the notes in the zoning table are still based on half of the property. If there is not going to be a subdivision as part of this application and this line has to be removed, you should make that comply with the entire lot.

Chris Thomas: We were asked by the landlord to do it this way just in case. They did not want us to make it harder for them to come in as a subdivision later.

Anthony Oliveri: At this point, they will have to show it on the site plan.

Chairman Cosentino: Nanette, for the next meeting can you have a rough draft on this?

Nanette Bourne: They cannot get their variance until a SEQRA determination is done.

Chairman Cosentino: We will put you on the next agenda.

**Continuing Review:**

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

**Present:**

**Steven R. Doherty, AIA, The SLAM Collaborative  
Seven Barschoff, Esq., Sive, Paget & Riesel  
Eric O. Roise, The SLAM Collaborative  
Scott Blakely, Insite Engineering  
Joel Seligman, NWHC  
John Partenza, NWHC  
James Gmelin, Conservatory Advisory Council**

Nanette Bourne: The applicant is back tonight to show you the modifications they have made to the landscape plan. These plans have been reviewed by John Slaker. I have a memo from John that speaks to the work that the applicant has done. I do not believe those drawings were submitted as part of the site plan. Unfortunately, John Slaker may have looked at them, but I did not have the profiles. This memo that I pass to you does not have a lot of details because John felt that they had really addressed it. He is pleased that they have addressed his comments and concerns. He is particularly pleased that they were able to provide some additional trees in the parking lot. The only issue has to do with the height of the retaining wall. They are shown as 24". John's comments were that instead of the wall being two feet high, they would be three feet. I checked with the building inspector and it is just a decorative wall. The building inspector said it requires a building permit, but it is not in violation of zoning.

Eric Roise: The second page is an existing photo of the north side of the main entry. The third page is that same main entry photo that has the proposed plantings shown as a photomontage. If you look very carefully, you can see the wall. The issue with the wall is that we interpreted the code as saying that that wall could only be two feet high. So, our answer is that we can go higher with that wall, in which case we would like to because it would be more of an impact. These photomontages look very good, but realize that is not what they look like when it goes in the ground. This is a five to eight year projection out, once they have a chance to grow. These are basically the same views that we showed you previously, which we submitted as part of the application.

Nanette Bourne: The other point that John brought out is that they have extended landscaping along Moore Avenue, which is in response to the Planning Board comments.

Joseph Morreale: When you say eight years out, what is it going to look like the first few years?

Eric Roise: It will look like that next page, but instead of not seeing any cars you will have some views of cars between plantings.

Steven Doherty: Similar to page three, but the density of the materials has not grown in yet, so you will have gaps between the plants while all those things grow in.

Joseph Morreale: The eight years threw me. Eight years is a long time.

Eric Roise: One thing we went through with John Slaker was the plantings you are proposing are fairly small. So we have since upped that.

Nanette Bourne: They have also changed out some of the plant material so it is a fuller plant. When they go in they may be smaller but they are denser.

Joseph Morreale: Do they maintain their foliage over the years or lose their leaves?

Eric Roise: They keep their foliage over the years.

Doug Hertz: The sections that are being referred to here are there a plot that these sections are referenced to?

Eric Roise: I do not have them tonight.

Doug Hertz: With one of the site plans, can you approximate where those cuts are?

Eric Roise: I certainly could. We wanted to have a view of a larger berm, because we really reduced the scope of the berm. We have that berm on this end here, so this is approximately, where it would fit.

Doug Hertz: The only walls being proposed are here and here? Are you going to increase the grade of the stonewall?

Eric Roise: I would think we would probably increase the wall and what is behind it. I do not think we will be flush with the top of the wall as we are showing now. We will leave some relief on the back of the wall.

Steven Doherty: One of the main reasons we are trying to raise the height of the wall is you can also use it for signage on the front side as you enter the campus.

Doug Hertz: I think this looks great. Its a million miles from where we started. My real question is this whole central area. We pushed this back and gained a lot more space, and we are now into losing this parking. I know there is a series of raised berms, and it is not all one height. Is there any opportunity in there for some more variability? What is the possibility of keep building this up with a small stone wall on the parking lot side so that we can give the illusion of a longer berm that would be in there rather than making a berm that comes up and goes back down. Have a short wall on the backside, maybe in certain places. Not maybe one continuous, but to increase the shielding in certain areas.

Eric Roise: This is where we have got those existing trees that we are concerned about, so whatever the height that we can have that wall at is going to be driven by the slope behind that wall down to that roof system. That roof system is what we are trying to protect.

Steven Doherty: With the parking lot size, you need to be careful with the location of the wall with parking spaces. You need to have room to open car doors, so the wall is pushed back far enough to be able to do that.

Doug Hertz: So you are bringing this down almost to grade so that you can access those?

Steven Doherty: Right.

Doug Hertz: I understand. My only comment is I would like there to be a way to get even more variability in there and maybe to use the design of the stonewall to repeat once or twice. I like the fact that you have been able to add the symmetry to the front entrance.

Joseph Morreale: On that point, what does the other side look like?

Eric Roise: It is basically a mirror image of that.

Joseph Morreale: It is an incredible improvement.

Vice Chairman Sturniolo: Please point out where the juniper screening is here.

Eric Roise: They are the smaller, darker ones.

Vice Chairman Sturniolo: Those are the only additional trees for screening. The London Plane and the pear trees are all existing now.

Eric Roise: Yes, the white spruce and the blue spruce and pine tree is screening also. Also, we have these evergreens throughout. This is mostly evergreens, but we do have some flowering shrubs.

Vice Chairman Sturniolo: And you said the mature date would be when?

Eric Roise: Five to eight years.

Vice Chairman Sturniolo: And this gets installed when?

Steven Doherty: Five years or so out.

Chairman Cosentino: That is a long time. There is no way we can do it before then?

Steven Doherty: If we do it before then we would start to impact the number of parking spaces available in the north lot prior to the garage.

Chairman Cosentino: We need to talk about that.

Ralph Vigliotti: What is the net number of spaces? 50? I thought we discussed at some point that you were going to put the 50 spaces next to the housing units?

Steven Doherty: In the interim, that is the contractor's parking lot.

Chairman Cosentino: This is really a big improvement. You guys did a great job. Nanette, please call John Slaker on behalf of the board and tell him he did a beautiful job and we appreciate it.

Steven Doherty: One of the other issues was the lighting at the parking garage. As part of this submittal, we have two different options. One is with a lower height pole with more of them. 15' high poles with one on every column along that top tier. One is a 20' high pole just at six locations down the center, some having multiple heads. We have photometric plans and 3D images for each of those.

Chairman Cosentino: Have they submitted a plan?

Nanette Bourne: They have submitted their lighting plan.

Vice Chairman Sturniolo: The Option 2 is a little vague about the multiple heads, which is a huge visual impact. I also noticed on both of these that neither option dealt with the subject that we talked about numerous times and that is to involve lighting within the structure of the top of the parking lot; within the walls, bollards, etc. I saw nothing about that at all. I am disappointed in that.

Steven Doherty: That is one of the things I have spoken to Nanette about. It is not feasible to get the lighting level that you need across that top deck using that low-level lighting. It would not meet the village standards.

Vice Chairman Sturniolo: It would not meet the village standards? This sounds like a very general statement to me. In what sense?

Steven Doherty: In terms of the foot-candles that you need across that top deck. There are certain illuminating engineer standards that are followed in terms of ratios and minimum light levels. I think that on each one of the photometric plans, Walker provided that information.

Vice Chairman Sturniolo: I am not saying it with an eye toward reducing lighting poles on the top deck. I am talking in terms of using additional lighting so you can reduce the amount of poles, not every pole. I do not see the effort in any of this submission to address that ongoing question.

Nanette Bourne: I do not think we explored combinations.

Vice Chairman Sturniolo: He has not, otherwise we would have seen it in the submission and I am surprised.

Steven Doherty: His conversation with me was that he spoke with you about it and explained that it was not possible to do that with low-level lighting, and these were the options that were being explored.

Chairman Cosentino: Nanette, would you follow up with them and get the feedback to Tony and Doug?

Doug Hertz: If there is a way to knock down the number or the height or something; I know that you are trying to keep it within the 50 feet with bollards or some other structure.

Vice Chairman Sturniolo: The lighting has to be creative. I know we discussed the airport as an example. You need to think outside the box. How can we get X amount of foot candles on the parking lot structure and at the same time either reduce the amount of poles and reduce the height of the poles. The other part that needs to be done is you

need to be a little bit more candid with Option Two. A lot of those lights are double headers. Unless you look very carefully in those photographs, it is a little difficult to see that most of them are double headers. The other question I have is when you look at Option One and Option Two at different angles on the parking lot; it looks like the wash of light on the lower part of the building is slightly different. I don't know if that wash is a photometric issue or just the way the computer has enhanced it? It clearly has different light levels on the vertical walls where the retail stores are. Is it a result of the poles or the result of the simulation?

Steven Doherty: It may be a result of the poles, because the one scheme has the poles around the perimeter of the garage and the others are all inside. With regard to the number of heads on each one of the poles, there was a cover letter that went with those images, and in Option Two, it says the poles include from 1 to 3 175-watt metal fixtures as shown in the photo metrics plan. There was no attempt to hide that fact.

Joseph Morreale: Who do you anticipate parking on top of that at night?

John Partenza: Staff.

Joseph Morreale: So you really do have to make sure the whole parking lot is lit.

John Partenza: We can't guarantee that the top deck will be empty at all times, but there is a safety concern.

Joseph Morreale: I guess my reaction about being creative about the lighting is that is not to be weighed against safety. If you start putting lighting along the edge in the walls they are not going to light the center part of the parking lot.

Vice Chairman Sturniolo: I'm not saying that's a substitute for lighting. I'm saying creative thinking as far as putting lighting in and around the perimeter may help cut down on the amount of luminaries and the amount of poles.

John Partenza: We will direct our lighting person to work with you.

Nanette Bourne: Did you come up with some sort of leasing agreement with the parking for the retail stores?

John Partenza: We left that basically in the board's hands.

Chairman Cosentino: I understood there was no lease.

John Partenza: It's existing to both campuses. The original lease was written in 1997, but the hospital Emergency Room is a priority.

Nanette Bourne: So you do have it included?

John Partenza: No, we never did. We were very clear about that. We did not include it there.

Nanette Bourne: So there is no obligation to you to supply Conte's? It's informal?

John Partenza: Yes.

Chairman Cosentino: Is there anything on file on that?

Whitney Singleton: **INAUDIBLE**

Chairman Cosentino: So you have no problem?

Whitney Singleton: The parking that is shown for the retail is the **(INAUDIBLE)**

John Partenza: They are all in the square foot count, I believe.

Whitney Singleton: How does the **(INAUDIBLE)**

John Partenza: General retail.

Whitney Singleton: Okay so you don't have any **(INAUDIBLE)** The reason I ask is not **(INAUDIBLE)**

Chairman Cosentino: You have to rent to fewer restaurants.

John Partenza: We did withdraw. One time there was an application for bread **(INAUDIBLE)**

Joseph Morreale: Do you happen to know what is going in where the liquor store was?

John Partenza: We are going to use the old pharmacy as a staging for the construction so they don't have to put a trailer on the site, and we're going to keep the liquor store vacant for now. That is not our primary purpose. We are there to run a hospital. I think our intent is to leave it alone for now.

Chairman Cosentino: We understand.

Vice Chairman Sturniolo: Whitney, the needs of the Village Board regarding position, language for the re-zone; has that been accomplished?

Whitney Singleton: Yes, the applicant's counsel has submitted a petition. It was received by the board and the board made a recommendation. **(INAUDIBLE)**

Chairman Cosentino: You can be assured that will be done as soon as possible.

Whitney Singleton: The only thing **(INAUDIBLE)**.

Nanette Bourne: At the January meeting you will have a **(INAUDIBLE)**

Anthony Oliveri: Yes. We will have a review by then. Water and sewer analysis and analysis of drainage; will we have that before the next meeting?

Scott Blakely: We are looking to getting that to you prior to the 24<sup>th</sup>, which should be the official submission date for the meeting in January.

Chairman Cosentino: Nannette, when do you predict this will be cleaned off our plate? I need something to make them feel better, too.

Nanette Bourne: We will have a complete set of comments for the 13<sup>th</sup> meeting, and hopefully by then we will have all of our comments and you can **(INAUDIBLE)** if you want to waive the **(INAUDIBLE)**.

Chairman Cosentino: Waive it.

Nanette Bourne: **(INAUDIBLE)** first meeting in February.

Chairman Cosentino: So in February we can get this off our plate.

Nanette Bourne: And then **(INAUDIBLE)** the resolution has **(INAUDIBLE)**.

James Gmelin: I would like to comment about the stormwater pollution prevention. One of the things that concerned me is the amount of water that is going into the two pipes that are joining and are going to empty down into Leonard Park, which is the stream, which is contributory to the Kisco River. I am concerned the water that is coming out of the parking lot that is going down into Kisco Park where it is joining the tributary. Literally one hundred yards from that we will be stocking trout there in the spring. I am concerned that the quality of that water not be affected.

Anthony Oliveri: They proposed to put in water quality devices.

Chairman Cosentino: Do you have a plan on that?

Anthony Oliveri: Yes. There is a full analysis being done.

Chairman Cosentino: When you get it, please give it to Jim.

James Gmelin: That is my only concern.

Scott Blakely: Right now, the run off on that site is untreated. As Anthony mentioned they are putting some treatment in, and there is also an overall reduction in impervious surface.

Vice Chairman Sturniolo: Going back to the timetable, excluding the engineering issues that we need and excluding the condition of approval with the Village Board, is there any other outside agency that has to still weigh in on this, or are we collectively waiting for anyone else's input?

Scott Blakely: There are three other agencies. DEC for storm water; we are three minor comments away from approval. The documents that were submitted to your board on Friday are being packaged and sent up to the DEC, and we anticipate final comments from them. The other two are New York City DEP. Once your board issued the SEQRA determination, the DEP was permitted to issue their notice on the application. From that point, they have 45 days to review and get back to us with technical comments. Andrea will get back to us the first week in January. And then we have two minor issues with the DOT. One is the installation of a sanitary manhole, then during the garage construction phase we have a drainage issue.

Vice Chairman Sturniolo: When do you think you're going to get the sign-off on that?

Scott Blakely: I would think in 45 days.

Vice Chairman Sturniolo: I want to make sure that we have not forgotten to ask a question of somebody else that each side does not have control of if we're looking toward this end of January early February.

Chairman Cosentino: I will put you on the agenda for the 13<sup>th</sup>.

**SEQRA:**

**Old Iron Warehouse  
Cary Place  
PB2005-20**

**Present: Anthony B. Gioffre, III, Attorney at Law, Cuddy & Feder  
Alan Pilch, Evans Associates**

Nanette Bourne: The applicant has submitted a short Environmental Assessment Form.

Alan Pilch: It's only a minor update for the short EAF and it requested the fact that the United States Army Corp of Engineers had issued a nationwide permit for the facility construction. Since we submitted a short form EAF to the stormwater pollution prevention plan in February 2007, that note was included in that short EAF. It was only submitted to the DEP because they asked for a SEQRA form. I updated it with that piece of information.

Whitney Singleton: Have you updated that before submission to the village?

Alan Pilch: No.

Chairman Cosentino: Let it be known that I own property there. I am confused on the first application against this application. Mr. Dominick Ferrovicchio, the first applicant, presented an application where he was going to have a glass shop and storage for some of his special cars inside. What is this fellow going to do? All of a sudden, the application changed.

Anthony B. Gioffre: There is a December 4, 2008 submission that was made by Alan Pilch to you which does indicate in the third paragraph that we are seeking approval for wholesale, indoor storage and warehousing establishments all of which are permitted uses within the SC District Zone. That is all what we are seeking approval for. It is my understanding at the last meeting that clarification was requested of what the premises could be used for, given that Mr. Ferrovicchio was no longer part of the application. The letter goes through in more detail about the other permitted uses in the zone. Some of the uses, which are permitted, would not be feasible.

Chairman Cosentino: There is no outside storage? No outside storage of trucks?

Anthony B. Gioffre: No.

Chairman Cosentino: Anything that is there would be stored inside of the building. No work will be done outside.

Anthony B. Gioffre: No. Yes, and for the record it does say wholesale indoor storage.

Chairman Cosentino: Does he have trailer trucks, ten wheelers, what does he have?

Anthony B. Gioffre: The applicant is the owner of the premises. There is no tenant. We are seeking approval for a speculative tenant at this point. The contract vendee is no longer the contract vendee. That is Mr. Ferrovicchio.

Chairman Cosentino: Linda Lucadamo is not doing it for herself. She's doing it for somebody.

Anthony B. Gioffre: She is doing it as the owner of the premises, so that once she received approval; hopefully, she can market the premises for a tenant.

Chairman Cosentino: But she doesn't have a tenant now, so you don't know whether there is going to be trailer trucks. The road could only accommodate certain size trucks.

Vice Chairman Sturniolo: The first application was specific; this one now is what the code provides.

Alan Pilch: The property is still the same size, the building is 7996.

Chairman Cosentino: What about parking to accommodate this?

Alan Pilch: The spaces are one per thousand.

Nanette Bourne: One additional item is: there is a pile of mulch on the property now.

Anthony B. Gioffre: I am not aware.

Alan Pilch: I observed that. I'll just say rumor has it, it may be the corner lot, which that person might have a business and he tends to utilize that property for temporary storage of some of his construction equipment and mulch and things. It was certainly not done by the owner of the property.

Anthony B. Gioffre: I will advise the owner of that.

Vice Chairman Sturniolo: Are you going to stop it?

Anthony B. Gioffre: This is my first meeting on this matter. I will make a phone call to the owner and find out.

Whitney Singleton: If you change this to 7996 **(INAUDIBLE)**.

Chairman Cosentino: I want to clarify that there is no outside storage.

Joseph Morreale: You state in your letter, "Uses that might occupy the building include, but would not be limited to automotive glass storage. Other potential uses would include the storage of materials and equipment by landscapers during the off-season or by contractors for temporary storage of household and business goods, such as might occur in a self-storage facility." If we are talking contractors and landscapers, how do we know everything is going to be inside?

Anthony B. Gioffre: The letter references what is permitted in the code. When you go on to the second page, it refers to other permitted uses in the zone, but those uses are not feasible given the parking limitations on the property. I believe the letter accurately reflects what was discussed at the last meeting as advised. We don't plan on marketing the use of the premises for some of those uses. The premises gears it towards the uses identified at the beginning of that paragraph. An easy way to address your concern of outside storage is a simple condition of approval.

Chairman Cosentino: The parking spaces would be for people who would be employed there, not storage.

Joseph Morreale: If they don't have employees parking, then can they use the parking space for storage?



Whitney Singleton: We will make that a condition of approval. Additionally, according to the code, parking is not to be used for storage.

Nanette Bourne: If you want, you could come forward with **(INAUDIBLE)**

Stanley Bernstein: On the short EAF, the question "is there likely to be controversy related to potential adverse environmental impact?" I mention the storm water facilities in the wetland buffer. To me that is controversial. I think that cross in the "no" box should be in the "yes" box. All you have to do is say storm water facilities are in the buffer.

Anthony B. Gioffre: If you disagree with how a check mark is to be done, the application was filled out by the agency.

Stanley Bernstein: We will do it.

Nanette Bourne: I will change it.

Alan Pilch: Could we make it "partially" in the wetland buffer?

Stanley Bernstein: Yes.

Alan Pilch: Thank you.

Anthony B. Gioffre: And there are other improvements addressing environmental issues and cleaning it up.

**Motion to Adopt the Negative Declaration for Old Iron Warehouse , Cary Place, PB2005-20.**

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

Vice Chairman Sturniolo: Before you go, would you be kind enough to get us a letter of the outcome of the conversation with the property owner, etc.?

Anthony B. Gioffre: Regarding the mulch? Absolutely.

**Conceptual Application:**

**The Lutheran Church of the Resurrection**  
**15 South Bedford Road**  
**PB2008-24**

**Present: Matthew Sabanosh, Alfredo, LDC, Contractor**  
**Rev. Doctor Jack Horner, Pastor, The Lutheran**  
**Church of the Resurrection**

Vice Chairman Sturniolo: This is a conceptual application. This is the first time we've seen it, so please give us a brief overview of what your thoughts and desires are.

Matthew Sabanosh: We are looking to give the outside of our church a facelift. Starting with the entry; right now there is a simple blacktop walkway. We are looking to focus the entrance to draw people in as well as bring the church out to the area. We want to create more of a courtyard here into this area. We want to narrow down the walkway slightly from what it is now, focus people coming in here and put a few pillars as we enter the area, and then we come into this larger area. We are trying to create a gathering space for people as they enter the church, possibly to have discussions outside of this church area before coming into the church where it is quieter and if the services have started. To define this area, we are trying to create boxwood hedge around it as well as some short sitting walls. The sitting walls will be made out of brick, the same material as the church. This will draw the architecture of the church out into this area. The sitting wall will double for people to pause and gather, and we will put some benches along those areas. We are changing the entrance from the parking lot

area into here. Currently the walkway goes around the side and comes into the front of this area. Many people choose to go into the side entrance. More people use the main entrance rather than going to the side, so we're trying to create this Asian outdoor space to focus people coming into the church. There is some minor lighting on the four pillars here, and a couple of the pillars here to focus people when they come into low lighting on the top, more or less landscape lighting, not necessarily anything overstated. This would be for services at night and groups that use the church at night. Also, we're looking to give a simple facelift to the side entrances. Taking out the blacktop surface and going with pavers. We are proposing for all these areas, the front as well as the side, once again to be more aesthetic. As part of taking up the blacktop, we are looking to eliminate a small four-inch step. It will be easier for elderly members, handicapped and funerals.

Vice Chairman Sturniolo: Drainage would be flowing from the entrance down?

Matthew Sabanosh: Correct, which it currently does now. Moving around towards the back of the church, we are looking to create a patio area in the rear in this vicinity. There is a fellowship hall in the back area and we're looking to have larger events where they can set tables outside, have coffee hour as well as creating a short sitting wall. The areas flanking the sides; we are proposing a FlexiPave material. A pervious surface made out of recycled tires and it has a bonding agent in it. This area here to the side will drain the same way as it currently does now. It is a mulch area on either side. This gives the church school more area as well to extend for toys and things.

Vice Chairman Sturniolo: The parking lot?

Matthew Sabanosh: Correct.

Vice Chairman Sturniolo: Does it change any of the parking lot space count?

Matthew Sabanosh: None at all.

Vice Chairman Sturniolo: That is the one and only parking lot area that you currently have?

Matthew Sabanosh: Basically, instead of having the walkway around it, we are now coming in here. Nothing has changed as far as parking spot quantities. The drive area goes through the front and the parking is in those few spots. This area is straight-in parking, eight spots.

Whitney Singleton: I want to make sure **(INAUDIBLE)**.

Matthew Sabanosh: With the site plan? No.

Whitney Singleton: **(INAUDIBLE)**.

Matthew Sabanosh: Yes, I believe it's all consistent with that. There is no parking directly in front of the walkway.

Vice Chairman Sturniolo: Is the roof span the same?

Matthew Sabanosh: Yes. Handicap parking is over here in the existing handicap lot. If you look at this side, you will see this area in here as the handicap spots. Right now, they do utilize this area.

Pastor Horner: This is the existing handicap accessibility right now, so that's where the spaces are, but they'll have access to the front now as well because they don't have to go in through the side. Once they get through the ramp way they don't have to go all the way around there.

Vice Chairman Sturniolo: Earlier you mentioned the lighting fixtures. Are they going to be on only when you're using the church at night?

Pastor Horner: We have timers and we would have them connected to that. Most of the lighting for the church goes on at 5, 5:30 and goes off at midnight.

Vice Chairman Sturniolo: So those would mimic what you currently have?

Pastor Horner: Yes.

Doug Hertz: The village is adopting a new lighting ordinance and it requires full cut off fixtures. This would probably fall under a smaller unit, so as long as they're not too bright. Nanette, do you remember what the maximum is?

Matthew Sabanosh: If it's a one-bulb fixture, it's no problem.

Vice Chairman Sturniolo: But you can check under the new lighting regulations.

Anthony Oliveri: The impervious surface, there seems to be an increase in the walkway patio coverage, and you have a heading for impervious surface B and impervious surface A. Can you explain that?

Matthew Sabanosh: Looking at that, the increase came because there was slightly more walkway down the front and the rear patio increased slightly. That was looking at the coverage calculations. We increased total, roughly about 455 square feet.

Anthony Oliveri: So your net increase was?

Matthew Sabanosh: 455 square feet, and then FlexiPave, which is on the side of the paver patio is **(INAUDIBLE)**

Anthony Oliveri: So net, is there an increase or decrease of impervious surface?

Matthew Sabanosh: Overall increase of 455 square feet.

Anthony Oliveri: That includes the FlexiPave?

Matthew Sabanosh: No. The FlexiPave is a pervious surface. Actually if you look down the line with impervious surface used, it is an increase of .47.

Anthony Oliveri: Your overall impervious surface numbers **(INAUDIBLE)**

Matthew Sabanosh: The impervious surface that's allowed for the lot I believe is 80%. We are at 51.5.

Anthony Oliveri: As long as you're under 80%.

Matthew Sabanosh: If you do not consider the FlexiPave pervious, we're at 1.5%.

Ralph Vigliotti: Can you review the landscaping you have proposed with the improvements?

Matthew Sabanosh: Right now, we're proposing box hedge around the courtyard, also we are going to plant on the hillside to soften it as well. We are going to include some of the similar character of what is in the front right now.

Nanette Bourne: On that note, **(INAUDIBLE)** sprucing **(INAUDIBLE)**

Pastor Horner: It was done a month and a half ago. We have a workday every fall and every spring. This hedge got cut down a lot.

Nanette Bourne: So you will need to resubmit this with a landscape plan.

Ralph Vigliotti: How much property do you have there?

Matthew Sabanosh: 2.217 acres.

Joseph Morreale: What is across the street?

Matthew Sabanosh: The hospital and CVS.

Anthony Oliveri: The DEP is going to want to take a look at that FlexiPave and impervious coverage and run off detention. Unless you could figure out a way to **(INAUDIBLE)**

Matthew Sabanosh: The 455 is split between the front and the back. There are ways in the front, possibly of increasing a little bit more.

Anthony Oliveri: There might be a way to use the FlexiPave in other areas in anticipation **(INAUDIBLE)**

Matthew Sabanosh: In the specs of the FlexiPave as well, which I'll provide; underneath the FlexiPave, itself is a six-inch gravel area that acts as a detention basin as well.

Anthony Oliveri: That might be a way **(INAUDIBLE)**.

Chairman Cosentino: You need to make formal application next.

Ralph Vigliotti: Why this as opposed to traditional brick?

Matthew Sabanosh: We were looking to try and create a center area as a main focus area and side area where we anticipate some of the drainage and run off and going a step ahead where the water **(INAUDIBLE)**

Chairman Cosentino: That's not good for the driveways, though.

Matthew Sabanosh: It's very good for the driveway.

Chairman Cosentino: What about oil from the cars?

Matthew Sabanosh: It will absorb it and not destroy the bonding agent.

Chairman Cosentino: You need to make formal application next.

Matthew Sabanosh: Thank you very much.

**Formal Application:**

**Mount Kisco Diner  
252 Main Street  
PB2008-10  
Frank Georgiou**

**Present: Clifford L. Munz, Munz Associates  
Lucille Munz, Munz Associates  
Frank Georgiou, Property Owner**

Chairman Cosentino: Here is the problem we have. We received nothing from staff. No matter what we do tonight, we won't know what you're talking about, as we did not get anything from staff.

Whitney Singleton: This application **(INAUDIBLE)**

Clifford Munz: We submitted this on time.

Whitney Singleton: **(INAUDIBLE)**.

Anthony Oliveri: Was there an issue with the escrow?

Chairman Cosentino: That was settled, there is not a problem with that.

Clifford Munz: I submitted about three weeks ago.

Whitney Singleton: When we have the formal application for the first time, all the board does is accept the application and then they refer back to staff for comments.

Lucille Munz: Understood.

Whitney Singleton: You have not been here for **(INAUDIBLE)** which is not usually the case. Usually **(INAUDIBLE)**

Chairman Cosentino: We want to help you, but we have no information.

Whitney Singleton: We need a report by the Building Inspector.

Clifford Munz: We will bring ourselves up to speed and maybe this will help a little bit up to this point. We are sort of running two problems at the same time. We had a conceptual on May 13. June 16 was the petition for the Village Board. The Village Board then referred to the Village Planner for comments. We have the comments to the village from ARKF saying that this was in keeping with the master plan. It's in your package. Then, we submitted additional information to the Village Board in advance that they **(INAUDIBLE)**. On August 11, the Village Board had a regular meeting. The petition for re-zoning was referred to the Planning Board for their recommendation. On October 9, a memo was generated to the Planning Board from the Village Manager. On November 10, formal application was submitted which included the documents, the fee, the EAF, etc., which I was told at that point that it would be. November 24 the owner was then advised to make sure that he paid a separate \$5,000 for this **(INAUDIBLE)**. He's already submitted a \$10,000 escrow.

Chairman Cosentino: That's the village. That has nothing to do with us. We asked for 10 for this and we got 5.

Clifford Munz: Based on that, what we're trying to figure out, at some point the Planning Board was supposed to get back to the village board with their findings within 30 days of the petition. I don't know when the clock started ticking. All I can tell you is that between the 11<sup>th</sup> of August and the memo in October and now, the review should have taken place to go back to the Village Board, and the Village Board now has the right to make a decision on their own without a review and comments of the Planning Board whether or not to allow the change in zoning. The only question they had, which had nothing to do with my client's project here is whether or not it extends the line of the change of zoning to include the funeral home. We provided the necessary information for that review. We are trying to get a public hearing by the Village Board. You are all the center of this hub, but we need their work to help you, and you in the conceptual said I think you're going to have to go to the Village Board. We did go to the Village Board. We are now at the point where we even have taken a look at the issues from the conceptual review and we addressed them very concisely any if not all the issues that were spoken of at that time. We have also found out by speaking with other agencies, the DOT, Westchester County to Andrea of the DOT and she is ready to issue a letter that there is no need for any special storm water treatment. I'm already there. We are now sitting with 22 sheets of paper and I've made the absolute clear and complete package I could. We have this portion, for which also there is a letter in there, which I have; in order for me to continue with my photo metrics, I need a decision. I need a standard for you to help me with. It's in the letter very clear and concise, with photographs and my questions and my proposal. This is crystal clear. We can go over some of these issues.

Lucille Munz: The most critical issue right now is with the village calling for a public hearing for a zoning change.

Chairman Cosentino: I can only tell you as far as my board members and myself, we did not get the documentation that we needed to study this. As far as everything else you said, I'll let Nanette address those issues, and as far as the Village Board, I'll let the village attorney address that.

Whitney Singleton: **(INAUDIBLE)** -----that the Village board -----it was properly pointed out that you refer to the Planning Board. ----- Nobody ----- application ----- particularly identified ----- application ----- .

Clifford Munz: The answer to that question is at that particular meeting with the Village Board, they were saying they would refer it to, but they hadn't come to the conclusion that there was going to be a actual application, because there are other things that have happened. We know full well to make a formal application to the Planning Board, which would have immediately happened right after the Village Board that short form SEQRA would be in the application.

Whitney Singleton: I think we're getting hung up on wording. No application can be submitted without the **(INAUDIBLE)**. We never permitted to do that (?) and when this was brought up at the Village Board meeting in June, it was hoped that this would be immediately submitted. **(INAUDIBLE)** okay, but it needs to be submitted to the Planning Board. You said that that would be done. That was repeatedly conveyed to you I believe by the Village Manager.

Clifford Munz: It was conveyed in a memo dated October.

Whitney Singleton: I can **(INAUDIBLE)**.

Clifford Munz: I want to do this right, let's do this right and I'm willing to work together. I think we have an incredible amount of good, applicable information.

Lucille Munz: So it would have to do with the EAF?

Whitney Singleton: The application **(INAUDIBLE)**. That issue came up at numerous **(INAUDIBLE)** staff meeting.

Clifford Munz: It may have come up at staff meetings, but I communicated to Jim Palmer very clearly. Jim, now that you have the full application back, three weeks ago, would it be alright, and he said that it was, I have the e-mail here, if you simply attain that EAF from Nancy. Of course, if it's not alright, of course I'll give you another. The thing is, I don't get responses, and so I ask very specific questions without getting responses. I really try to communicate for this necessary information.

Whitney Singleton: **(INAUDIBLE)** There was an issue ----- . To be clear (?) there was another issue ----- and then there was the issue ----- and that ----- . I can't say that you and I have spoken directly, but ----- Jim Palmer ----- secretary ----- response is the same (?) ----- .

Clifford Munz: Absolutely.

Whitney Singleton: **(INAUDIBLE)** I have to speak ----- but I know that Jim told me ----- . I believe I conveyed that to the ----- .

Vice Chairman Sturniolo: Staff needs to review this.

Chairman Cosentino: He is entitled to have an answer from Nanette, I would like to hear from Nanette first.

Nanette Bourne: **(INAUDIBLE)** I think ----- with regard to ----- you have ----- traffic ----- relative to the issue of ----- - preliminary review, which ----- tonight. If one ----- application that goes back and forth before it can be ----- . for the Planning Board to review the site plan but in order for them to ----- the ----- . So I think tonight Anthony can begin ----- review and it can be rescheduled for you for the next meeting.

Chairman Cosentino: In all fairness to both sides, I would like you and Whitney to meet with them and prepare them for the next meeting; whatever they need. It's no use them coming before us next meeting if they don't have all their stuff together.

Lucille Munz: That makes sense.

Clifford Munz: I did request specifically to Jim to itemize what had happened, what I might need and what might be outstanding. **(INADIBLE)**. He referred me to Austin. Austin did not answer any item that I proposed as to what sequence of events. What I did get was, "Whitney and I will call you next week." This is what I have in my planner. I didn't get a call back. I then called again, to which I then requested some information. He then sent me over to Whitney **(INAUDIBLE)**. Austin then sent me over to Nancy and then back to Jim. I lost two weeks asking for exactly what we're speaking about and I really tried to communicate and make it happen.

Lucille Munz: We're trying to circumvent that now.

Chairman Cosentino: We will put you on the agenda as soon as possible.

Anthony Oliveri: **(INAUDIBLE)** I mentioned the zoning data, ----- review by the ----- AKRF to verify those numbers. DEP you mentioned you're going to get a ----- , I ----- approval for the right of way (?). We're going to need to see, particularly on the loading area, that you have areas to maneuver large trucks.

Clifford Munz: There is no such thing as a large truck. The maximum truck that delivers to his establishment when this goes through is 30 **(INAUDIBLE)**.

Anthony Oliveri: That's a problem. Just give us a little better **(INAUDIBLE)** right of way, where you are replacing sidewalks. I think we're going to need to get a **(INAUDIBLE)** to verify **(INAUDIBLE)**. It looks like you have full photometric.

Clifford Munz: We can discuss that. I need a direction in order to give you a proper photometric. I made a request here. I had Stan Deutch Associates prepare for me two photo metrics. We have a situation there presently. The poles that are there right now were put in 2003. They provide adequate light to the parking lot presently. In here, we have to say that part of the guidelines is also to be energy efficient, so more lights **(INAUDIBLE)**, secondly when you **(INAUDIBLE)** you're going to find that because he is a restaurant, ten feet tall is the maximum light pole. However, in the rest of the entire section here, 15 feet tall. So, we looked at the project knowing that we have adequate light as they are now, if I were for example take the light posts and bring them down to 15 feet with the same heads, I could remount **(INAUDIBLE)** heads, don't get enough light. Photometric #1, as you will see, shows a **(INAUDIBLE)**. So I bring it down to ten feet. It doesn't work even more. **(INAUDIBLE)** If that's the case, Mr. Georgiou has to **(INAUDIBLE)** parking lot, we have to rewire **(INAUDIBLE)**. It's also **(INAUDIBLE)** up the energy. I'm asking if you would allow me to consider, because I do have low level lighting on the plaza, I have no lighting on the building except for decorative lighting, which is again night sky and zero. I'm asking in my letter, "the scope for this project of which we would like to provide a photometric model is: existing parking lot lighting to remain undisturbed, new parking lot lighting at the southerly lot expansion, lighting at the freestanding monumental sign, general exterior building accent lighting and low level pedestrian plaza lighting. I did my photo metrics on that. I think it works.

Vice Chairman Sturniolo: Who is it addressed to?

Clifford Munz: It's addressed to Austin Cassidy.

Vice Chairman Sturniolo: And who are you talking to?

Clifford Munz: I'm talking to the Planning Board, so on his behalf I ask **(INAUDIBLE)** submit to, and there is always a cover letter and a list of conclusions to be as clear as possible.

Lucille Munz: What we're really looking for is to keep the existing lighting in the parking lot. That was put in 2003, and the new low lighting that complies with the current lighting standards. That's the photo metrics that we would like to present as part of the next application. I think that is very reasonable, given the amount of expense that it would take to have to tear all that up, because it's only a couple of years old.

Chairman Cosentino: I would refer this to Nanette, Doug and Tony, our lighting experts. Please look at it and report back to me.

Nanette Bourne: I have just one question. Do you have this one **(INAUDIBLE)**.

Clifford Munz: Yes. If you look there are about five of them.

Nanette Bourne: There are five ?

Clifford Munz: Yes. They are marked on the **(INAUDIBLE)** electric plan, and actually, these photo metrics are **(INAUDIBLE)**. Your photo metrics, by the way, **(INAUDIBLE)**

Chairman Cosentino: Do they meet the building code standards?

Clifford Munz: No. That's the point. I'm not **(INAUDIBLE)** that particular portion of the lot, so I'm asking for this combination.

Doug Hertz: What will happen, assuming that the lighting ordinance is **(INAUDIBLE)**, that there is **(INAUDIBLE)**.

Lucille Munz: At some point.

Doug Hertz: Not at some point, they are very specific **(INAUDIBLE)**

Lucille Munz: So **(INAUDIBLE)** sign ordinance.

Clifford Munz: Ten years, two years depending on the value. I'm clearly aware of that, the sign situation, but you do realize that every one of these poles, to be trenched, **(INAUDIBLE)** you can't ask him to spend \$100,000 to replace lights that he put in **(INAUDIBLE)**. That's unreasonable.

Lucille Munz: Also, it's not currently in the scope of the work. That part of the parking lot is not being paved. That is existing parking that remains.

Vice Chairman Sturniolo: Whitney is the application viewed as one entire entity and everything is open for review?

Whitney Singleton: Under the code, amendments to existing site plan **(INAUDIBLE)** is **(INAUDIBLE)**

Clifford Munz: There is a compromise. In order to keep that and help him, I have spoken to the lighting experts and they can give me blinders, shades, for example, if that's what the issue is, but that kind of appendage helps the town, but it sure helps Frank. That is an enormous cost and can make or break the whole project. I cannot see this making or breaking a project like this. Once you take a look at it you will agree, the benefits of losing **(INAUDIBLE)** the benefits of everything that can happen, **(INAUDIBLE)** parking spaces **(INAUDIBLE)** gain more parking spaces. We chatted about that and we came up with even more, more **(INAUDIBLE)** for the town. We worked on that very hard, because we heard you, and that's what is shown here.

Chairman Cosentino: I'm not sure if that is beyond **(INAUDIBLE)**

Lucille Munz: Maybe that is something that is discussed at the staff meeting. Is there a way to ask for relief?

Clifford Munz: Or can the cost be subsidized? What can you do to help?

Chairman Cosentino: Our hands are tied.

Clifford Munz: You are correct, but the codes are understood as living organisms, if you will. They move.

Chairman Cosentino: I know that, but when the next client comes in and says, "you did it for the diner, what can you do for us?"

Whitney Singleton: This board can only **(INAUDIBLE)**. Presuming that **(INAUDIBLE)** application is accepted, it is determined **(INAUDIBLE)** after the guidelines are adopted, how this **(INAUDIBLE)**

Clifford Munz: You could make a stipulation to something like that.

Whitney Singleton: It's something **(INAUDIBLE)**. We don't know **(INAUDIBLE)**. While I appreciate the **(INAUDIBLE)** I don't think **(INAUDIBLE)** focal point of this whole application is **(INAUDIBLE)**.

Clifford Munz: The Village Board **(INAUDIBLE)** because that's like a zoning change.

Lucille Munz: I think what we are trying to do is be as efficient in terms of the information that you provided, so that when you review it, we are trying to get in the right direction with the lighting.

Clifford Munz: We are trying to be up front and have a good dialogue.

Ralph Vigliotti: If the lighting is a stumbling block, let's not get caught up on this right now.

Clifford Munz: I agree. Expose it and address it. We'd like to get back to the Village Board and get that public hearing and get it rolling.

Anthony Oliveri: The drainage plan shows **(INAUDIBLE)** I just want you to give a little more information on the **(INAUDIBLE)** and it looked like you were providing something on the other side **(INAUDIBLE)**.

Clifford Munz: That's what the DEP liked. The DEP embraced this; to leave that system alone and pick up just the **(INAUDIBLE)**



Anthony Oliveri: **(INAUDIBLE)** the water quality. I **(INAUDIBLE)** detailed **(INAUDIBLE)**, and I have just have a comment on the traffic plans. **(INAUDIBLE)** lane change, **(INAUDIBLE)** we just want flaggers,**(INAUDIBLE)** That's what I have so far.

Clifford Munz: Those are fine observations and I don't think they're too complicated.

Chairman Cosentino: I think somebody brought up no parking in front of the diner, or parking meters or something.

Clifford Munz: This is a proposal. We had to go to the County DOT. Again, there is a letter by the DOT where we had Jeff, the DOT and myself out there. The DOT of Westchester has always wanted to move the bus stop. They don't like the bus stop where it is. So, I said to them, let's talk about. They loved moving the bus stop. You have 200 feet of no parking along the **(INAUDIBLE)**. What happens with that, that no parking **(INAUDIBLE)**. By moving the bus stop back, I can get as many as three spots in front of the diner, the bus stop then there are also **(INAUDIBLE)** and just move the bollards. I can take a little bit off and still be far enough to the corner. There is too much parking. The funeral home loves it, because the funeral home now has two spots for limos.

Chairman Cosentino: I thought they wanted to prevent unloading in front of the diner.

Clifford Munz: If you have cars and meters there, you can load or unload. It's a win/win, and it creates five more spots that weren't there before. That's revenue. \$25,000 a spot is a lot of money.

Whitney Singleton: But that's not part of the site plan application.

Clifford Munz: It's approved by the Village Board under Special Comments. I have to go to the Village Board anyway.

Whitney Singleton: But this board has no jurisdiction over **(INAUDIBLE)**

Clifford Munz: This board has the jurisdiction to refer to the Village Board for their okay. I have already presented this.

Nanette Bourne: **(INAUDIBLE)**.

Clifford Munz: No. In the parking analysis, we looked at it two ways. I looked at it by volume and occupancy. In both cases, it satisfied or exceeds, not to mention the fact that as I went through every single number, I rounded up every step. If I waited till the end, and then rounded up, I would have been a whole spot less. So, I took a conservative point of view. Every time I thought I needed 2.3, I **(INAUDIBLE)**. If it said 17.85, I would put 18.

Chairman Cosentino: But what if he had a party or a catering thing?

Clifford Munz: He's not doing it. This is not a catering situation.

Chairman Cosentino: He's not going to have parties there?

Clifford Munz: It's for the purposes of the Rotary Club, it's open all the time, it only has the ability**(INAUDIBLE)** stores, or the Lions Club.

Chairman Cosentino: Does he have enough parking for catering or **(INAUDIBLE)** or anything else besides the Lions Club? He is entitled to use the place for anything he wants. My question was does this parking scheme fit into the needs of that room?

Clifford Munz: Yes. I did the parking exactly to the seating of the entire place in full capacity.

Chairman Cosentino: We're not saying you can't have parties of the Lions Club there; I am concerned with the parking count. Your answer was yes. I'm satisfied.

Nanette Bourne: On that note, **(INAUDIBLE)**.

Lucille Munz: There are 64 spaces.

Nanette Bourne: 64 spaces and you have the entire **(INAUDIBLE)**.

Clifford Munz: I can go through it, but why don't you take the time to look through it and see what you think, and then I'll go through my logic. It's very clear and it should be in the range.

Ralph Vigliotti: Does the façade stay the same color? What is the plan for the stone?

Clifford Munz: It's coming off. We are ready to go to the ARB. There is **(INAUDIBLE)** involved and stonework.

Ralph Vigliotti: Is it more of a town and country look?

Clifford Munz: Yes. Right scaled for the area. It has and always will be a landmark and continue to be a landmark. Frank has evolved it to be beyond a diner, but a portion of the building is the diner and then you migrate over to dining. It's more refined.

Clifford Munz: Here is the diner here, here is the seating here, all that's going to happen is we are going to re-do the entry foyer, because people wait outside and there's a queuing area so people can wait. When you come in here, this seat goes away, this becomes basically **(INAUDIBLE)**. Then you're back into the dining room that you used to be in. But in order to make this thing work, you take out the table and chairs in the center with the big floral arrangement. That gives you isolation without walls. Here the room is just open all the time. We have the ability to take a group of 20 people from the funeral home. We have to think way further in advance. Frank stays open 24 hours a day, seven days a week. How am I going to build this place and keep Frank open? I have to make sure that **(INAUDIBLE)** and when you look in your package **(INAUDIBLE)**. Look closely at the demolition. The third prong is the demolition of **(INAUDIBLE)**. I need a permit to demolish **(INAUDIBLE)**. Demolition for Stage One is to take **(INAUDIBLE)** down, put the center up and make that work. At that time as that is all happening, we maintain the center so Frank is still open. When this is done, this becomes the entrance to the restaurant for a month and a half while we build this and do this connection. Frank never closes. It's like working in a hospital. It's hard, but it works. I don't think we're overloading. It's not a huge amount of people. Look at your seating capacity, that's what's most important. The full capacity now is 139 people. I am going to take 28 of those seats and mix them around a little bit, move them around. Then I'm going to go here, this area still remains undisturbed, **(INAUDIBLE)** that's 56 seats, not a lot, and in the same respect, I'm also going to have the ability to put a few seats out there. The whole idea is this room can open up completely with complete fresh air. Over here in this area, there could be three more little table and chairs for people who are waiting to come in, in the plaza area. So there are 14 outdoor seats.

Ralph Vigliotti: So you're proposing outdoor dining?

Clifford Munz: A little bit, but we can talk about that. The point is, it works, and if you were to think about it, the five additional parking spaces take care of 15 people. It's one per three. So no matter what, I have just given you five more spots. You are entitled to outdoor dining and not have to affect your parking situation as long as you maintain six feet of clear from April to September. The outdoor dining is not, as much as the pleasure of eating outdoors as it is advertised. It draws folks. It's to eliminate more vehicular traffic through here, get it away from **(INAUDIBLE)** and get the kids walking out there. All of Frank's people ride bikes. I have places for bike racks, because I know people ride bikes. I want people to walk and meander back and forth. It can work and it can be fantastic.

Vice Chairman Sturniolo: Frank, do your patrons park at Valvoline?

Frank Georgiou: Never.

Vice Chairman Sturniolo: So other people fill up that parking lot? The cars that are there are not your patrons?

Frank Georgiou: Not that I know of.

Clifford Munz: You have the opportunity to hear the concerns and solve many problems just by some reasonable site plans, and I think we're getting to that point. I want to move forward.

Nanette Bourne: We could do some planning **(INAUDIBLE)**.

Whitney Singleton: **(INAUDIBLE)**.

Clifford Munz: The **(INAUDIBLE)** that we did may be an issue, we could speak about it. Always straight in, straight out. As far as the one entrance ingress and egress, it is actually a better site line and the fact that Valvoline has an entrance and there is already a curb cut in there already, we have two side-by-side curb cuts. It's a conflict; it's not working, and so to isolate it like that and promote foot traffic up, it is making more sense.

Chairman Cosentino: Nanette, can you meet before the New Year? Don't forget you have a lot of meeting with Westchester too. We will let you know when we will put you on the agenda. We will try for the 13<sup>th</sup>.

Clifford Munz: When does the clock start ticking for the information to get back to the ZBA? They have already had a look at this project as far as the complying with the master planning regulations. When does the 30 days start? If the Village Board is going to get the study?

Whitney Singleton: The Village Board does not **(INAUDIBLE)** to the Planning Board. They only **(INAUDIBLE)** thirty days, and the Village Board can choose to wait longer.

Clifford Munz: They can choose to wait longer, but based on the **(INAUDIBLE)** how long? If I recall from the **(INAUDIBLE)** they specify how long.

Whitney Singleton: The Village Board is not going to act **(INAUDIBLE)**. It will come **(INAUDIBLE)** to the Planning Board **(INAUDIBLE)**.

Clifford Munz: When can we get together and when can we get on the next agenda.

Chairman Cosentino: I will try for the 13<sup>th</sup>, but I can't promise. I will try.

Lucille Munz: May I ask you a question? I would like to know if it would be alright if I came up and looked at other applicant's plans during the meetings?

Chairman Cosentino: Let me know and I will put a chair up for you.

Stanley Bernstein: We were supposed to be getting a public address system to accommodate that.

Chairman Cosentino: We have gone over all the correspondence.

**Motion to Approve 2009 Planning Board Calendar:**

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

As there was no further business, on a motion by Joseph Morreale, seconded by Sol Gibbons, the meeting was adjourned at 11:10 P.M.

Respectfully submitted,

Stanley Bernstein  
Recording Secretary

dm