

**Minutes  
Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, January 8, 2008**

Meeting called to order at 7:40 PM, Tuesday, January 8, 2007, at the Municipal Building Mount Kisco, New York.

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

**Members Absent:**           **Chairman Joseph Cosentino  
Joseph Morreale**

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

**Minutes:**

**November 13, 2007**

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

**Conceptual Application:**

**Finger Lakes School of Massage, Inc.  
272 North Bedford Road  
PB2007-19**

**Present:**       **Corey Hughes, Administrative Director, Finger Lakes School of  
Massage**

Vice Chairman Sturniolo: We have three conceptual applications but I think I'll do them out of order. We have Finger Lakes School of Massage, which I'll do first. The purpose of the conceptual application for the folks regarding HK Laundry and Nissan City North is to basically get a general feel what each individual member of the Planning Board has to say about the application before you all go ahead and commit to professional drawings, etc., and whether you want to go ahead or not becomes, obviously your choice.

Corey Hughes: I'm going to give you individual drawings.

Vice Chairman Sturniolo: If you could just leave them with our secretary.

Corey Hughes: Absolutely.

Vice Chairman Sturniolo: Thank you. If you would be kind enough to please come forward and give us a very brief description of what your thoughts are.

Corey Hughes: My name is Corey Hughes. I'm employed by the Finger Lakes School of Massage. We are based out of Ithaca, New York. We are looking to open up a branch location of the school in Westchester County, and after about a nine month search, we think we've found a suitable location in Mount Kisco at 272 North Bedford Road. I've prepared an application for you folks. The application takes you through some fast facts of what we're looking to accomplish. In the ideal world, we would like to be open for a May start date. We're looking to sublet space in 272 North Bedford Road from Soundview Preparatory School. They have moved to another location in Yorktown. We'd like to take the entire first floor which is 11,200 square feet. There is a history of the school included in my application along with a narrative on our mission statement. We are a New York State Department of Education Office of Professions approved school. We have a 1,000 hour certification program in massage therapy and hydro therapy. Our graduates go on to take a State licensing exam and a national licensing exam. In the

last 14 years we have graduated over 2,000 students. Typically our graduates will move on to work either for themselves or work as part of a health care team that may be found in hospitals, chiropractic offices, on cruise ships, dental offices, spas. Our schedule runs Monday through Friday. Typically our classes run from 9 to 5; at 5:00, the bulk of the student body will go home. A small contingency of students will continue and they will give outside clients a 90-minute massage at low cost to meet their requirements for graduation. This practice continues Monday through Thursday evenings. We are using the Ithaca campus as a model. The bulk of our students fall between the ages of 18 and 65; roughly 80% of them are female. We recruit faculty from the local area, and we would expect that a good number of faculty would also come from the five boroughs. Each of the faculty members is a licensed massage therapist themselves, and so they are perfectly qualified to teach in the State of New York. I have included a small narrative on the building that we intend to pursue if we're green lighted. We're looking at the space two floors below Epidavros Day Spa in the building next to or a part of the same space that the Richmond Group is in. We would like to utilize that space because we feel that both of those tenants offer us a unique opportunity to partner for a better learning experience for our students. We did submit an e-mail to Patti Tipa, and she forwarded it on to the Board, and ultimately we were asked to put in a Conceptual Application.

Vice Chairman Sturniolo: A few general things to start things going. We saw your application, we haven't seen the approved site plan, and so we have no idea about parking at all with the approved site plan for what's there now.

Corey Hughes: There is a site plan included in your application that was previously approved for the prior tenants; existing tenants.

Vice Chairman Sturniolo: There are some open building permits that we know about for other tenants in the building that needs to be resolved with the building department, and we need to approach parking collectively. We can't just look at parking for your desired operation. The parking has to be looked at with all the other tenants in the building. We also have to have a zoning analysis done for your operation. You said this is an educational institution, but we definitely need the break-out of space allocated for faculty and students for your point of view. We also can give you a copy of the memo which includes some of the issues that the Building Department raised when they did their initial review of this application. To a degree, we are precluded from going forward at all on anything until these open building permits are resolved; and there are about seven or eight on the list.

Corey Hughes: And they deal with other tenants?

Vice Chairman Sturniolo: Yes. So, that's why I said let me take you first. There is a lot of work to be done if you want to go ahead and still pursue this concept.

Nanette Bourne: I think I spoke to a woman from your organization on the phone about this, and I believe your site is owned by Friedland Realty.

Corey Hughes: It is.

Nanette Bourne: Friedland Realty went through an extensive analysis and site plan review process in order to get Soundview in there. It included an entire analysis of the space, their phasing, their parking, and it really is, almost the responsibility of the property owner, as Mr. Sturniolo was just saying, to look at how the space is being used throughout the entire building and the parking that is being applied to various tenants.

Corey Hughes: I think you may have spoken with Ellen Benedict who is part of the real estate team.

Nanette Bourne: Actually, Ellen I know, so it wasn't her. It was somebody else. It really requires some joint preparation of information between what you want to do. You want to take 11,000 square feet of the 18,000 square feet that Soundview had, and Friedland needs to provide you with some support over how the entire site is being utilized, looking at and even updating some parking to meet current Village code. It's not impossible. It's just a lot for just a single, small tenant to take on without some support from the property owner.

Whitney Singleton: If I could just chime in to follow-up with that. The document you have in your package is a survey designed for a site plan. The Planning Board needs to see, just to re-emphasize what the Chair and Nannette are saying, they need to see what the entire aggregate uses are on the property, and what supporting parking is required for those uses. To look at yours in isolation of all the other uses on the site

does them no good, because, one, we don't know how many spaces are on the site on the improved plan; and two, we don't know how many are allocated for different uses within the site, so that really handcuffs the board. Basically you're before the board primarily related to the issues for parking, and they really can't make an assessment with all these different uses not being closed out as far as building permits, certificates of occupancy and the approved site plan, not just showing the property but showing the zoning conformity specifically for parking.

Anthony Oliveri: You will get a copy of Jeff Econom's memo tonight, and he stresses that of course all the open building permits have to be closed out. Obviously the property owner has to be involved with that to get a Certificate of Occupancy for the building. Then the parking breakdown is the big thing.

Corey Hughes: This document also has a listing of the open permits?

Anthony Oliveri: Yes.

Corey Hughes: Great.

Anthony Oliveri: So, basically all of these things need to be finalized. A permit had been gotten out at some point; the Certificate of Occupancy was never filed. It might be not too painful to do this, but then again there may be building code issues that need to be addressed.

Vice Chairman Sturniolo: So, having heard all this, just to underscore what Nannette just said, you need the support of Friedland to get working on this.

Doug Hertz: Generally, in terms of the application I think it's a perfectly reasonable use for the space if we can get traffic and parking working. You've made a number of claims regarding where you expect your students to come from and we're going to need a little bit more data to support that kind of analysis. It's going to be harder to turn parking with that one-car per student. It will be a lot different than if you're utilizing public transportation. That all being said there is zoning analysis for the parking.

Ralph Vigliotti: I think the conceptual has some merit to cautiously move forward.

Sol Gibbons: All the points are being covered pretty well by everyone. The concept sounds decent.

Stanley Bernstein: I'm not ready to comment yet.

Corey Hughes: As I understand it then, I should get together with Mr. Friedland or one of his representatives, ask them to deal with the open permits and then ultimately I need to get a copy of the approved site plan from the last time it was filed, get data regarding recruitment and traffic analysis, plus some sort of zoning, even though it's educational.

Whitney Singleton: There's associated supporting parking requirement for educational uses. You will see that's in the memo from the building inspector, and he's calling out for a parking count of roughly twice what you say you have available to you. While the concept may be good, I don't want you to go away with an everything is coming up rose's picture. He's calling out for a parking lot requirement for this space for 62 spaces.

Nanette Bourne: No, 42 spaces.

Whitney Singleton: He's added that on. 62 spaces that leaves you saying in your presentation that you have approximately 30 to 32 allocable, and that's going to have to be something that's reconciled, and while the board may be looking favorable upon the use, they are handcuffed quite significantly with their ability to approve something that can't satisfy the parking requirement, even if there are representations as to public transportation.

Vice Chairman Sturniolo: Another point about the parking spaces. The parking spaces on that site currently are not all the same dimensions. That's something else that needs to be addressed. So, you kind of have the general sense of where the Planning Board is coming from. Thank you for coming.

Corey Hughes: Thank you very much.

**Conceptual Application:**

**HK Laundry  
520 Lexington Avenue  
PB2007-17**

**Present: Karl Hinrichs, Owner  
HK Laundry**

Karl Hinrichs: Hello. I'm Karl Hinrichs with HK Laundry. We have owned this Laundromat since 1998, just shy of ten years. We actually purchased the property in 2001, and what we're looking to do is split the property itself between a self-service Laundromat, which is on the north side of the building, and the south side of the building is The Smokehouse, which sells smoked fish, cheeses and other products. In the back rooms there is basically storage. What we're looking to do is put in a self-service car vacuum which wouldn't take any parking spaces. It would just be directly adjacent to the building and in my letter what we proposed; essentially what we're looking for is just an amendment to our site plan to just allow a single car vacuum to be located in the back of the property. It would not be visible from the street. The only type of signage would be visible only from the parking lot itself. Having a self-service car vac is not an uncommon use in a Laundromat. It may be a little uncommon in Westchester, but there are certainly many of them in Orange County, Dutchess and up north where landlords tend to have a lot more land to deal with. We're looking at it as an associated synergetic use, somebody who comes in and actually washes the clothes, they are actually sitting there with 30-40 minutes of free time on their hands, and if that space is available we would anticipate that they could use it to vacuum out their car. The hours of operation would be limited by a timer, so it would be in direct compliance with the town codes on loud and disturbing noises.

Vice Chairman Sturniolo: You used the words loud and disturbing. Are they loud and disturbing?

Karl Hinrichs: They are not. We actually did an analytical sound study, and we found that it is no louder ten feet from the vacuum than a regular conversation. A regular conversation is usually 60 decibels or so, and you can see from the sound chart there. What we basically found when we went off the property, is the property is surrounded by a stockade fence to the south, and a vinyl six-foot fence to the west and the north. Once we got off the property we could not hear whether the vacuum was operating or not. The only residential area that we are adjacent to is directly to the west. We couldn't really find that sound would be an issue, and really we feel that the addition of a car vacuum to the back of the building would benefit the customers of the Laundromat without causing a detrimental effect to the surrounding properties of the community. They would be out of site from the street. There would be no advertising in any way, no signage visible from outside the property. We wouldn't be creating any noise outside the property with the operation, and it's an accessory service we feel would help and enhance our customers.

Vice Chairman Sturniolo: If it's an accessory use, then what is the principal use of the business?

Karl Hinrichs: The principal use at least from our perspective and one of the tenants is the Laundromat. It's a cleaning function. Not for clothes, for cars.

Vice Chairman Sturniolo: Or a pick up truck or a snowmobile.

Karl Hinrichs: Many times we've found our customers to be working women, or women who have kids. I don't know if you've seen the commercial with the mom and the kids and the Cheerios. If she's sitting there and she's started her wash, she can't get access to her wash for another 30 minutes, so she is basically a captive there. If she has access to a vacuum, which we hope to get, then it would be something she could do. The other source that we've found for just use for vacuums is a young guy who loves his car. Cleaning and using a vacuum is just an enhancement to that.

Vice Chairman Sturniolo: You state that you intend the usage of the vacuum cleaner to have a minimal use, then in another document, Mr. Wallace says that laundry service establishments like this are generally in financial trouble and you need a vacuum service to help support the financial picture. He says that, and then you say it's going to have minimal use. It doesn't jive to me. You've also got the vacuum cleaner location parked right in front of a sign that is a loading zone. If that's a loading zone, how could you even think of putting a car there to vacuum? You also led us to believe that most of the people that would in theory use the vacuum cleaning service are people who are there who have arrived in their own cars. We see a lot of taxi cabs sitting out there in

the back currently. I still have an issue with the principal use. Whitney, am I correct that this is in the GR Zone, and is drive up permitted?

Whitney Singleton: None of the permitted uses in the GR Zone are drive thru's or drive ups for principal uses, certainly not the accessory uses.

Vice Chairman Sturniolo: We also have no approved site plan. Then you've got somebody stamping this, which throws me, too.

Karl Hinrichs: This is a copy of a current survey that was done in 2000.

Vice Chairman Sturniolo: Then you've got a different architect's name and stamp there. It's as if he's sanctioning somebody else's work. Does he know this? Also, the fence is an issue, but that is something that can be addressed easily.

Ralph Vigliotti: You've brought up some good points, Mr. Sturniolo. The laundry owners cannot survive solely on self-service laundry proceeds. You've raised a couple of things here. You talk about in addition to wanting the coin operated vacuum, you also would like to increase the number of vending machines for more beverages, laundry supplies, and I guess snacks.

Karl Hinrichs: That is a general letter from the Chairman of the coin launderers association, and that is strictly his opinion.

Ralph Vigliotti: So you're not asking for anymore vending machines?

Karl Hinrichs: No. No. The only reason that was included was to try to tie in the concept that a self service exterior car vacuum is not a totally unrelated source or synergistic use with a Laundromat. Although I don't agree with some of the ideas or premises in this letter.

Ralph Vigliotti: There are a couple of concerns. We certainly don't need to make anymore left-hand turns either going north or south on Lexington Avenue to a coin operated vacuum center that is going to be quite popular. We certainly don't need that. Additionally, is there handicapped parking through this site? Does this now establish a review of site plan? That would be the handicapped parking space, where this car might park to vacuum. So the concern that I have is does this now create a further site plan review where we take a look if there is even handicapped parking on this site? I don't know that because it's not delineated. I live at the south end of town. I see a lot of taxis going in there. At some point, I thought they were leasing space to this taxi cab companies. The concern I have is the taxi cabs are having lunch there or maybe unofficially they are renting or leasing space there, and they would like to vacuum. I don't know that. I think it's an unnecessary accessory use. It's not an accessory use to a laundry. I don't think it's something we should pursue further.

Stanley Bernstein: You will be a tenant in the building?

Karl Hinrichs: We are a tenant.

Stanley Bernstein: What relationship do you have with The Smokehouse?

Karl Hinrichs: They are a tenant of ours. I own the building and I also own the Laundromat, but they are two different corporations, and I'm representing both.

Stanley Bernstein: As an aside, I want you to know they are cleaning their equipment right outside their back door. Are you aware of that? They are hosing it down. Do you know where that water is going? Right down the drain into New York City Water Supply. I turned them in a couple of times, the inspectors were there and they promised not to do it again. That is cause for violation. Not only that, I saw somebody changing his oil and letting it go down the drain. When you say that it would be synergistic where a lady comes in with a nice car and wants to vacuum. Once she's vacuumed and the car is nice inside, she wants to get it washed. If she goes to a car wash, they do vacuuming also. Isn't that like double work, double payments?

Karl Hinrichs: This is not a primary use.

Stanley Bernstein: It may not be a primary use, but why would you get that business if this lady knows she has to go to a car wash and pay twice?

Karl Hinrichs: If they are washing their clothes there, they are a captive audience for an hour to an hour and a half. During that time, their clothes are locked in the washer.

So what do you do? We don't have a TV there, you read books, and maybe you go shopping. Whatever you do, my thought was that if you have a vacuum there and it's available.

Stanley Bernstein: I know what they do. They do what I did. I used to go there quite often, and I never stayed, I drove around and went out and came back, and so does everybody else. Not only that, that parking lot is so hard to get in and out of, and so hard to make U-turns and it's not even striped.

Karl Hinrichs: It is striped.

Stanley Bernstein: Well, it's very hard to see the stripes, so it's really not conducive to cars coming in and taking up a spot and making cars go around and looking for parking spots. Nobody wants to park all the way down at the west fence. These are my thoughts on it. I think it's an unnecessary use, and I think it's a very bad use.

Doug Hertz: My thoughts on this; use or not, I don't even think that's important at the moment. I'm a fan of the smokehouse. I'm in that parking lot a fair amount. It is one of the most difficult parking lots in the Village. The distances are incredibly tight, and I can't imagine taking some of it away. It's virtually impossible to back up and get in and out. I think in a sense this application is moot unless we see this plan with the parking striped, with indications that this can be done safely and successfully. Forgetting the noise issues, forgetting whether it makes sense, I think just logistically my experience tells me that this is a very, very difficult parking lot to use. To take away some of it to make it even more compromised, I think is a mistake. I think it would be silly to go farther forward with this until we see what essentially an approved site plan for this site is with the striping indicated to know that we even have this as a possibility. Although I don't see this on this plan, that it's a storage area or a snow storage area; I don't have anything that indicates whether or not that's correct. I think from my perspective if you want to proceed, I have to be shown that you can get in and out of that space safely, that there is enough parking for the rest of the building, and that all the other functions can perform before we even discuss whether or not a vacuum makes any sense.

Sol Gibbons: I have the same question on the minimum usage, and this letter you have from Mr. Wallace about helping the laundry survive. You say the only customers to use the vacuum will be the Laundromat customers. How can you state that? What about other people that might want to come in and use that?

Karl Hinrichs: The only location where this vacuum can be is directly adjacent to one spot. The hose restricts so that only if that spot is available would somebody be able to drive in to that parking spot directly adjacent to the side of the building and be able to use it. Frankly, if a car is already parking there, it's a moot issue. That's why I called it minimum use. I'm not trying to downplay. Obviously we're a business. We're trying to see this as a small revenue stream, albeit quarters, but my whole business is based on quarters, so really if a car is there, then no one else will be able to use it. It's only when that spot frees up that someone would be able to drive in and be able to utilize that spot. We're not looking to take away any parking spots from this; we're just looking to have it as a feature for that prime spot.

Doug Hertz: Ultimately what is going to happen is that spot is going to be designated for the cleaning. You're not going to encourage people to park there who aren't going to use it, because that would preclude other people from using it. It's going to mean someone is going to come in, take that spot, clean their car. In my view it's going to be more internal movement within the parking lot.

Karl Hinrichs: I've got better things to do than be a traffic cop out there.

Vice Chairman Sturniolo: We have also better things to do, and we are charged with the health, safety and welfare of the Village of Mount Kisco, and as Doug said, we don't need additional confusion of traffic within the spot, especially since the fact that that spot is located in a loading zone. You've got a big sign that says loading zone, and that's where you plan to put a car.

Karl Hinrichs: I meant no disrespect with that.

Doug Hertz: I certainly understand the concept of what you're going for, and if there were some ability to use it, pull through when you're done; but this site doesn't allow for that.

Karl Hinrichs: I would love to have 20 more spaces here.

Ralph Vigliotti: But the site doesn't allow for that. If you look at the door, the orientation of the door swinging out left, even now the orientation should be reversed and it should be swinging out right. If there is a car parked there, you're having a difficult time getting out of the premises. If there is a car parked there as I see it, on the vacuum location, you're not necessarily getting out because the door is swinging out to this post, and this car has got to be removed if you're bringing out laundry. Even now; my recommendation with looking at this even without the vacuum is this door should be really orientated the other way. The reason why there is no cars parking there on a regular basis is because you have a sign that says it's a loading area. I'm sorry to say that, but the way you're presenting it with the location doesn't make a lot of sense. Never mind what the vacuum hose that may be draped around the car to get to the trunk or the opposite side of the tailgate. And when people try to come out they have a hose that they have to walk over.

Karl Hinrichs: Maybe I can help clarify a little bit. The back room that we talk about, this section right here, the last sort of block? That has essentially when I say storage, has nothing to do with the Laundromat. It's got basically material used associated with our business, which is installing commercial laundry equipment.

Vice Chairman Sturniolo: So there are two businesses within the laundry. One, the commercial laundry operation and two, another business of selling, servicing or installing commercial?

Karl Hinrichs: No. My main business, HK Laundry Equipment, which also owns this Laundromat, sells commercial laundry equipment. We sell them to country clubs, hotels, motels, all over the place. We need a place to hold nuts, bolts and hardware, and that is in that room. Because my installers were having issues, that's why they put the sign up there for loading and unloading. Whether people read signs...

Vice Chairman Sturniolo: We read them, and that's why we can't see any logic into putting a vacuum cleaning operation back there. Just one last question. Are you leasing space currently to taxi cab companies in the back?

Karl Hinrichs: No. The ethnic base for this Laundromat is Hispanic. I'm sure you guys know that we are the famous Laundromat. We have a lot of people who take taxicabs to and from our Laundromat.

Vice Chairman Sturniolo: Awhile ago you said most of the people come with their own car, they have a half hour to kill; why not let them vacuum their car, and now you're saying a lot of people come by taxicab?

Karl Hinrichs: The majority of our customers primarily are Hispanic based. Hispanics do have cars of their own, many don't. If you come and visit and any of you folks have been there, you'll see that we have taxi cabs coming in and out all the time. But we are not leasing space. I couldn't afford to. It would preclude, basically force my Laundromat customers to go elsewhere.

Ralph Vigliotti: Mr. Chairman we have a conceptual application here, so I think at some point we need to move forward.

Whitney Singleton: I want to follow-up on what both of you stated. You can't even do an analysis of this site without a site plan. Your requirements under code not only for the parking, but for the loading zones, clearly if it's a fire lane over there on the side of the building, I don't know what the layout of the site is. It's very hard to do an assessment, but there are required parking, and there are required loading zones, and this use will have to have attributed to it some parking requirement, and if there is an existing non-compliance, that cannot be done without a variance from the Zoning Board.

Vice Chairman Sturniolo: Also, take a look at our code section called 110-17. It has to do with the drive-up operation in the CR District. I hope we've been clear enough in our direction and our desires regarding this application to you.

Karl Hinrichs: I do. I hear you loud and clear, and I thank you for your consideration on this.

Vice Chairman Sturniolo: Thank you for coming.

### **Conceptual Application**

**Nissan City North  
156 North Bedford Road**

**PB2007-18**

**Present: Ozzie Vazquez, Co-Owner, Nissan City Auto Group**

Ozzie Vazquez: I want to apologize for John Wade not being able to make it; he got caught in Wyoming in the snowstorm. We are proposing to take the Abbey Carpet Facility and making it into an NREDI (Nissan Retail Design Initiative) Nissan New Car Sales Service and Parts Facility.

Vice Chairman Sturniolo: Repair?

Ozzie Vazquez: Yes, repair. The existing location at 283 North Bedford Road has my new car storage and used car sales and our office in Greenwich, Connecticut will not change from what we have now. The people that we're putting into the new building will be three technicians, service manager, parts manager, counter man, driver, four sales people, two managers and a lot attendant. One of the things that Nissan would like every Nissan dealership do is have the NREDI building, which is very attractive looking, and it think it will look real nice in the existing Abbey Carpet Location. They would like the Sales Department to be with the Service Department combined. Right now we're in two separate locations and were trying to accomplish that. The hours of operation will be the same that I have now, which is Parts and Service 7:30 to 6, the showroom will stay open till 8:00.

Vice Chairman Sturniolo: How do the new cars arrive at the proposed location?

Ozzie Vazquez: We'll still receive them where we're receiving them now in the back of the 283 as a storage location.

Vice Chairman Sturniolo: The new cars?

Ozzie Vazquez: Yes.

Vice Chairman Sturniolo: Where does the tractor trailer park when they're delivering the new cars at your current location?

Ozzie Vazquez: Right now they pull into the back of the building and unload there, behind 283.

Vice Chairman Sturniolo: Then why do I constantly see tractor trailers offloading Nissan cars on 117, right in the middle of the highway?

Ozzie Vazquez: That I can't answer.

Vice Chairman Sturniolo: Okay. This is a Change of Use concept that you're proposing. It requires a special use permit. We have certain concerns and you can get a list of them in a memo from the Planning Department regarding the amount of parking space you need. The Village Code talks about separation between two car repair facilities in footage. Across the street you've got Cadillac, down the road you've got a Mobil gas station. Village Code also talks about screening issues when you are close to restaurants, and your neighbor immediately to the left holds two food establishments there. Village Code also talks about not having displays in the front yard area and the buffer issue. Also take a look in our Village Code 110-30-F. The refuse dumpster has been removed, and there is a host of issues associated with this. This is also located in the CL District.

Ralph Vigliotti: I think you're trying to push a lot into one space. You have sales, repair, showroom and parts. I know now when I have my car serviced it's basically valet parking. You drop your car off and they take your and you know they're going to put it into a tight spot. I've had some damage to my cars over the years. I don't know what the current sizes are of the spaces and whether they meet the existing code now. How many bays? Four?

Ozzie Vazquez: Correct.

Ralph Vigliotti: If you're doing a nice job on automotive repair and you've got a good reputation, you might be lucky enough to have enough space just to handle the auto repair piece; never mind a showroom and warehouse and storage. I know the Building Department has indicated you're shy spaces according to the zoning. I think there is too much going on there.



Ozzie Vazquez: Right now in my current location we're running with three bays. I think if you put the showroom that we have now in 283, and the 269 space, they're comparable in size.

Ralph Vigliotti: So you're going to have two repair shops in Mount Kisco?

Ozzie Vazquez: No, I'll have one.

Ralph Vigliotti: And you're proposing to put it here?

Ozzie Vazquez: Correct, which I have right now in 269, which is about the same size that we're putting it into if you include the Sales Department and the Service Department.

Ralph Vigliotti: You're going from three bays to four, and do you stack parking now or are customers allowed just to find their own parking space when they come up for service?

Ozzie Vazquez: We have five assigned spots that people pull in.

Ralph Vigliotti: You only do five cars a day?

Ozzie Vazquez: No, we do more than that.

Ralph Vigliotti: I'm not trying to be sarcastic in any way, but I know cars are dropped off, and it could be ten to twenty customers dropping off their cars in the morning, they need to be stacked and stored because you're not doing five and saying come and pick up your car; now you bring your car.

Ozzie Vazquez: I understand.

Ralph Vigliotti: So, I don't see this site having any kind of overflow to address the repair area. I'm not even going to discuss the showroom or even the Parts Department or the office spaces. It's the overflow. It could be 20-25 cars being stacked on-site, ready to manage a day's worth of work. I think you've got too much going on in that site. Originally, when I saw the photo I thought, "Showroom." Then you open it up and all of a sudden it's everything trying to go into this one spot. It's on 117; there are issues there. I think at this point it's all about parking. Never mind traffic issues, ingress/egress; but I don't think the site can manage a successful, thriving repair shop that Nissan is envisioning.

Sol Gibbons: I have to agree with Ralph's comments.

Stanley Bernstein: I agree with that as well. There is too much in one small space. You're going to keep the existing space?

Ozzie Vazquez: We're keeping 283.

Stanley Bernstein: What's going to be there?

Ozzie Vazquez: Used car sales and storage.

Stanley Bernstein: The question that Ralph brought up about stacking cars for service is going to be a problem. I can see that there will be an overflow on the north side; the long part of the parking lot, and you might be taking those spaces, which is no big deal except that you may not have enough space for showroom according to code. Also employees. We really have to get a site plan and see exactly what's going to happen and have it drawn property at the right scale showing all the parking spaces really to make a good assessment of this. Right now it's not really that clear a picture. It needs a lot more work.

Ozzie Vazquez: My partner did all the research on this, and I see 38 parking spaces including four displays.

Vice Chairman Sturniolo: There are 24 actually if you count them. You'll see in the memo. It's looking like you need 40-43 parking spaces. I echo what my two colleagues also said. This is too much to do in a small spot. Even where you have a Parts Department. Suppose you get three people coming in to buy parts. Where are they going to park in relationship to the parking needs for the showroom, for the sales people, for the sales customers, the servicing? It's just too much.

Doug Hertz: I don't see the parking count that you get in your narrative reinforced on this plan. I'm also noting that the spaces don't appear to be code compliant by the one size that I see here. The only indication of any size is 18.6 x 9.0.

Whitney Singleton: There are two separate dimensions on the existing site plan.

Doug Hertz: Not on the existing, on this revised copy which looks like it's a take off on the old site plan with some sketches of some new uses in here. Certainly the spots up front can't be considered parking spaces.

Ozzie Vazquez: Those are displays.

Doug Hertz: Right, but if you're using these numbers over here, that's not a compliant space anyway. I think the issue is how much you're trying to fit into the size. How you get to 38 spaces, I can't see it, and I'm not convinced that those are code-compliant anyway. If you want to pursue this, you really do need to take a hard look at the zoning analysis that was done by the Acting Building Inspector, who comes up with a determination for the number of spots that would be needed for the space based on the usage, and see if you can make that work. Otherwise you'd be sort of forced to try to lower the density of what you're going to do in there.

Nanette Bourne: Your board has gone to great lengths on North Bedford Road to create greenery. This really reflects the old thinking of that being a strip commercial. This would be a huge step backwards from where your board has been taking projects with landscaping. There is 80% lot coverage in the zone, but the 20% that they are using to meet their lot coverage is all in this slope and nothing on the front. Just from an urban design standpoint, it really falls short of where you are trying to take projects.

Vice Chairman Sturniolo: Thank you for bring up the point. If you're coming up 117, as soon as you get passed the traffic light by the American Legion on the left it's all greenery, on the right it's green, and that is permanent green space. You now get to the big office building at the corner of Barker, which has landscaping and trees in the front of it, then there is the Mobil Station which is in the process of being rehabilitated. Every time an applicant has come in to do something new and different, we've asked for additional greenery. We've asked for green space where Target and A & P is. Right along by the sidewalk there are trees planted and greenery there. If you continue up to Brio's, there is a lot of greenery where the property meets the sidewalk; we've asked for green space as well on the opposite side of the street by CVS. That point is the demarcation between Mount Kisco and the adjacent municipality. I'm kind of working backwards, but there is all greenery at Epidavros Day Spa and Soundview Prep. This kind of flies right in the face of what we're trying to achieve.

Whitney Singleton: I want to point out a couple of code issues in the event that the applicant wants to move forward. With regard to the number of spaces, there are 24 shown on the plan, but there are 14 being displayed, so they obviously do not count. Based upon the old site plan there was a mixture of 9.6 and 9 foot wide spaces, which was permitted because some of them were long term and some of them were short term. You will also notice on the existing plan, everything is delineated as being storage. If you actually look on the conformity chart or the parking chart it shows only 2,400 square feet in a 15,000 square foot building as being usable as active use. So now we're taking something over 2,400 square feet and maxing it out to 15,000 square feet, or approaching that. That's why the supporting parking cannot be met on this site. The 14 spaces cannot go there. In our codes, specifically 110-30, the special use permit for auto car sales prohibits the display of anything in the required buffer in the front. That all needs to be green space. The first 20 feet needs to be green space, and five feet of green space on either side in the side yard setbacks. The rear yard is fine. You have the issue of a snow accumulation area. With regard to a parcel of this size you would have to have landscaped islands. You have associated loading requirements which aren't being met, and the travel lane is obviously a problem. I think that they've done their best to try to satisfy any parking requirements, but clearly it's not being met and it's very, very tight on this site. With the landscape buffer that's required for the front that makes it even harder. One of the things that are going to compound the problem is that the front buffer is supposed to be landscaped, and one of the conditions that your board is required to enforce is that none of the cars on the site are to be visible from the public right-of-way, if this is going to be a car dealership. The entire spaces have to be screened, which on a site like this that slopes upward; it's going to be a very, very difficult thing to do. The refuse container cannot go where they are proposing it to go, and lastly, even though the memorandum does not call this out, with regard to this site, this will require not only a Change of Use permit, it will require a site plan, it will require a Special Use Permit and it will require ARB approval and variance from the ZBA. So, you've got a long road ahead of you on this application to be code-compliant.

Stanley Bernstein: Isn't this a Main Street area?

Nanette Bourne: Yes.

Stanley Bernstein: So that requires an SPPP as well.

Whitney Singleton: It's going to require that anyway.

Vice Chairman Sturniolo: Anyway, you've heard it; you know our general feelings and sentiments about too much in too small of a space.

Ozzie Vazquez: Thank you for your time.

**Special Discussion:**

**TJ Maxx  
506 Main Street**

**Present: Louis Varamo, Varamo Construction  
Steve Press, Assistant Store Manager, TJ Maxx**

Vice Chairman Sturniolo: I'm glad you gentlemen chose to come here. We have basically two issues that go back from years and years. One, the status of the up lighting on the pear trees in the front, and two, the damage to the guardrail.

Louis Varamo: They were both taken care of last week, and I have some photos here that were taken.

Vice Chairman Sturniolo: And the lights are now operative?

Louis Varamo: Yes.

Vice Chairman Sturniolo: Was it a timer malfunction?

Louis Varamo: The sockets were rotted and they put interior bulbs in exterior sockets, so they all popped.

Vice Chairman Sturniolo: Okay, so that's done; and the guardrail is almost done?

Louis Varamo: The one that was broke was repaired. There is also two that are out of line, I guess they pushed it with the snow, and I was approved yesterday to fix that and a couple of other things on the property.

Vice Chairman Sturniolo: By Al, the Assistant Building Inspector?

Louis Varamo: Al was there this morning. He came to check the broken rail. He approved that. He wants me to pull a second guardrail also, so I will do that.

Vice Chairman Sturniolo: When will you be doing that?

Louis Varamo: Next week.

Vice Chairman Sturniolo: As soon as you've completed it, let him know.

Louis Varamo: I'll call him to come back out. There were also a couple of other things; there is a storm drain in the front where the top came off, I'll be fixing that. The TJ Maxx sign on the front is a little rotted out. There are a few pieces of glass broken and I'll take care of that.

Vice Chairman Sturniolo: The other two are site plan issues. The lighting and the guardrail. Do we have anything else outstanding with the site?

Ralph Vigliotti: I'm a little taken aback. We have a thriving, thriving business in town. To have allowed some of these items fall in the state of disrepair as they have kind of alarms me. Our Building Department doesn't have to go out there and tell you what you need to do in order to bring things up to speed. This is not a business that's not doing well that can't keep up with its repairs. I hope we don't have to see you again with regard to telling you how to maintain your property. I'm sorry to take this stand and this tone, but it is the first major entry store to the Village, and it has become unsightly. I've seen that railing in that condition for a long time. I've seen the roof in the condition

it's in for a long time. Tonight is the first time we're hearing there is a maintenance company that maintains the site.

Louis Varamo: I work for Retail Handyman, which works for TJ Maxx. They listen to me when I tell them something, but they can't approve me. When I wrote up all this stuff that's wrong, they have to get approval, which they did. So they're listening to me pretty much. There is a problem there because we don't know if the landlord is responsible for that, which I think he is. I'm going to try to come up with a good number to paint the front of the building, so maybe TJ Maxx will say just paint it. But they're not going to go for the roof, and I don't know who is responsible. That's what we're trying to figure out. I've been telling them there is garbage in the parking lot and it looks terrible. My father in law lives across the street, and it doesn't look good. I've been going to retail and telling them to have someone come here twice a day that the landscaper is not doing his job. It's a disaster.

Ralph Vigliotti: Just two other points. I don't know who handles the carriages, but it's unforgiving to have those carriages hitting cars and rolling away. The customers are not bringing them back, no one is picking them up on a regular basis, and parking spaces are being taken up by carriages. I share that with you as the assistant manager.

Steve Press: We could be more vigilant in collecting them.

Ralph Vigliotti: You need to be more vigilant. One more piece. I kind of feel for the neighbors on Boltis. The trees on the east side which face Boltis Street from the parking lot have matured to a point where the first ten or 15 feet now is all woody tissue. What would have been a buffer is now 15 feet above the grade level. If you could go back, and I know folks on Boltis have been complaining for a number of years if there can be a re-landscaping of some smaller shrubs so the headlights; and seeing the activity of the parking lot is not visible to that neighborhood. I'd appreciate if you could get back to us in the next six or eight weeks with some kind of a plan. I'd like to try to protect the neighborhood.

Louis Varamo: Is there anyway you could put this in writing to me? Because that helps me.

Doug Hertz: I don't know what the approved site plan is, but most of our approved site plans that have landscape buffers have a requirement to maintain them for the duration of the site plan.

Ralph Vigliotti: If it's not on a voluntary basis, we don't have to bring the site plan in.

Vice Chairman Sturniolo: The only reason why the letter was written to you, is that these two issues, the guardrail and the lighting issue are part of the resolution of approval, and you've been in violation of that, and no one else decided to do something about that other than this board. That was the reason for the invitation.

Louis Varamo: I have taken 100 pictures of the outside of the property with all the bushes and everything, and I submitted it. If they're not pushed, I'm telling you, if they're not pushed.

Ralph Vigliotti: Whitney is that something we could send off to the property owner to be pro-active as opposed to my next meeting when we review the site plan, or should we just go ahead and review the site plan and make a decision what we need to do.

Vice Chairman Sturniolo: Here is the resolution of approval from 1996. (Vice Chairman Sturniolo reads from the resolution).

Doug Hertz: Is there a landscape plan?  
Vice Chairman Sturniolo: There may be.

Whitney Singleton: I don't believe that is for the entire site. That's just for the upgrades that were done for TJ Maxx to go in. The original site plan is still applicable.

Nanette Bourne: The original site plan is so old that I doubt we didn't have the standard language with that taken care of.

Vice Chairman Sturniolo: Here it is. This one is from 1995 that talks about landscaping material (Vice Chairman Sturniolo again reads from the document).

Louis Varamo: If we can get a copy of that, that's all I really need.

Nanette Bourne: We could compose a letter to accompany this at our staff meeting reiterating points that were brought out here, and attach that. That is something that Nancy could take care of.

Vice Chairman Sturniolo: Thank you, and thank you both for coming and rectifying these two major issues. It's been a long time.

Louis Varamo: You would write a letter and send it to me?

Vice Chairman Sturniolo: Yes, to you.

Louis Varamo: Thank you very much.

### **Special Discussion:**

#### **195 North Bedford Road**

#### **Present: Robert Leace, Property Manager, Vornado Realty Trust**

Robert Leace: I'm Robert Leace, Property Manager for Vornado Realty, the ones who bought the property a couple of weeks back.

Vice Chairman Sturniolo: There are two issues. On the approved site plan in the back of the property; the southerly part of the property for both Target and A & P, toward the A & P side, there are two unapproved park benches in a wetland buffer. A suggestion: two men, a pick up truck; they can be out by tomorrow morning in ten minutes. Or, if you want to go through the time, expense and trouble of coming to the Planning Board and filling out all the necessary paperwork.

Robert Leace: They'll be moved tomorrow.

Vice Chairman Sturniolo: They'll be moved tomorrow. Second thing. In the back side by Target, a year and a half ago, Target came to the Planning Board and asked if they could install a concrete pad, again, in the wetland buffer and store propane tanks. This board said no. Target went ahead and did it anyway.

Robert Leace: I saw what you're referring to.

Vice Chairman Sturniolo: Okay, the same guys with the pick up truck tomorrow.

Robert Leace: Well, here it's not quite as easy, unfortunately.

Vice Chairman Sturniolo: Yes, you have to brake up the concrete.

Robert Leace: And also, although we own the property, it's Target's property. I'm going to have to get them to move it, and I will, but I can't say it's going to be done by tomorrow. It depends on how cooperative they are or are not. I'm assuming, it's a new relationship and they all want to get along, and they will. We will have the right to have them comply. Just, will it be the hard way or the easy way? That's why I don't want to sit here and say it's going to be done tomorrow or any particular time frame until I speak to them.

Vice Chairman Sturniolo: I am assuming you're going to be speaking to them in the next couple of days, would you be kind enough to send a letter to the Planning Board regarding the outcome of the conversation and ask them why they went ahead and installed the propane tanks when it was rejected a year and a half ago.

Robert Leace: Absolutely. Absolutely, and if you like I will also copy you on our correspondence to them regarding this issue. I don't know if it would be too much, would there be a copy of something when they were rejected and told not to do this last year?

Vice Chairman Sturniolo: It's in the minutes and its public record.

Robert Leace: The benches will be out tomorrow morning. That's simple enough as you mentioned. I'll be speaking with Target tomorrow. That will be followed up with a letter and it will be either done really quickly or it will be a little more difficult, but we'll get it done one way or the other.

Vice Chairman Sturniolo: The site plan and the approval of this entire property are between this Planning Board and the property owner, not Target per se and not A & P. It's Vornado Realty, now you inherited it from RD Management.

Robert Leace: I realize it's our responsibility to comply and we will. I'm just being honest about what steps I'll have to take. That's all.

Ralph Vigliotti: How familiar are you with the A & P and Target?

Robert Leace: Not very much at all. I've only been there a couple of weeks.

Ralph Vigliotti: Both stores employ quite a number of employees during the day and evening. The rear parking spaces were designated for the A & P and Target for employee parking, and the A & P does not use their employee parking at all. At all! Target at one point was. I've driven by there with purpose at least three or four times, and I find Target may use six or eight of those spaces for employees, and A & P uses none. They are taking up the spaces that are supposed to be set aside for customers, and they are not complying with the original site plan. I'm sorry to add this to your list to send on to the property owners, but we designated, literally, probably 100 parking spaces in the back. During this past holiday vacation it was very difficult to park to get into either the A & P and Target, and meanwhile there are literally 100 spaces in the back that are set aside for employees with rear door entrances and both A & P and Target have disregarded their site plan approval because it's not convenient for them to monitor who is going in and out of the store. That's not our problem. I have crossed the path of their employees leaving the store and going out of work, so I know that. We may be fine in between now and the next major holiday where there is a deluge of people using the A & P and Target, but they are totally disregarding their original site plan.

Robert Leace: Then it shouldn't be. I think they spite themselves anyway, and I don't understand their thinking of taking up customer parking.

Vice Chairman Sturniolo: The easy way to see it, is if you go into the combined parking lot onto the site, you can kind of sense where the customers are at A & P versus where the customers are at Target, but you see all these parking spaces filled, and you see two or three cars at the most parked in the back for employees. That's the parking area we're referring to in the back. It's the southerly part of the parking lot; it's all employees parking.

Ralph Vigliotti: Whitney, where do we go from here? Sometimes the most prosperous businesses in town take advantage of this small town of ours. I put this on the record that A & P and Target; I'm in both stores, my family uses both stores, they're still not complying with the employee parking in the back. Where are we? What kind of teeth do we have for them to have their employees' use the back spaces so we customers don't have to walk? It is about providing spaces where they belong for customers. Where do we go from here and how do we enforce this?

Whitney Singleton: The enforcement will be on the property owner, as you know.

Ralph Vigliotti: But if the property owner does not enforce?

Whitney Singleton: If it becomes a problem that persists, and I'm sure that you'll say that it's already persisting, we will have to have site plan violations, which under section 1-7 of the Code are \$10,000 per day.

Ralph Vigliotti: That might give them a wake-up call.

Robert Leace: I think so. It would wake me up also.

Ralph Vigliotti: It's been going on for awhile, and we tried and tried and tried.

Robert Leace: The nice method has not worked as of yet, I guess.

Vice Chairman Sturniolo: Now, you're the new property owners, you represent a multi-million dollar corporation, you're new to the Village, we're new to you; let's just do it right and move forward.

Robert Leace: It's my intention and it will be my job to get along nice with the town and make things run as smoothly as possible. These items are easy enough to comply. You're not asking for a lot. It will get done.

Vice Chairman Sturniolo: There is a site plan of record, an approved resolution that enumerates dozens and dozens of items; some of which we briefly discussed tonight. Take a look at that, you've got copies of the plans. This is all part of when the business was sold from the previous owners. You have it all there. Just comply.

Robert Leace: Absolutely.

Whitney Singleton: Let me just clarify. The fine for corporate offenders shall consist of a fine of not more than \$10,000 or less than \$2,000 or any higher amount not exceeding double the amount of that corporation's gain from the commission of the offense.

Vice Chairman Sturniolo: By tomorrow afternoon the benches will be done?

Robert Leace: The benches will be done, and I'll be speaking with Target, following up with a letter, and getting their plan on what they are going to do on both matters.

Vice Chairman Sturniolo: The propane has to be removed. There is no choice.

Robert Leace: How did they go about determining, or who do they go to in the Planning Board to determine where it should be put?

Vice Chairman Sturniolo: They did it on their own. Initially it was inside.

Robert Leace: So the answer to put it inside.

Vice Chairman Sturniolo: And the propane is used to drive the forklift type mechanical equipment that is used to polish the floor.

Robert Leace: I thought it was a little strange when I saw it quite honestly, but I wasn't sure.

### **Special Discussion:**

**Patio.com**  
**269 North Bedford Road**

**Present: John C. Pfeffer, Manager**

Vice Chairman Sturniolo: Let's put aside the Christmas season in general in Mount Kisco. The approved plan for the outdoor display of patio.com; is this, and attached to it is a list of the items. What we have in our packet is numerous requests from the Code Enforcement Officer regarding the site plan and the photographs. He's probably spoken to you.

John Pfeffer: I haven't had the opportunity to speak to him.

Vice Chairman Sturniolo: Reads from document: "The Code Enforcer reports he informed the manager and gave him a drawing of what is allowed as far as the outdoor display on the side of the building. That was January 2nd, and there are photographs of that. Then there was a second one, another one in July and again in August, and again the Code Enforcer gave the Manager the drawing, which is that drawing, of what is allowed as far as outdoor display. So, when can we see your display become compliant with what's approved?"

John Pfeffer: It has currently been altered. It is now to code.

Vice Chairman Sturniolo: It matches that, everything?

John Pfeffer: The front of the building we actually removed the patio sets and the chaise lounges. We have a Christmas display.

Vice Chairman Sturniolo: So that's going to be gone tomorrow?

John Pfeffer: Pretty much. All we have outside now in the front area here, this is actually empty; which we will put the patio sets back probably pretty soon, and it will be exactly as shown here. We do have benches in the back here. On the side we have four patio sets and a shed. We do not have a swing set, which we will not be putting up.

Vice Chairman Sturniolo: You also have parking back there.

John Pfeffer: We have two parking spaces in the back, right on the side here.

Vice Chairman Sturniolo: When we start to see these pictures, it's just a hodgepodge of too much stuff.

John Pfeffer: It was definitely out of control at one point. It has been corrected, and will continue to be to code.

Vice Chairman Sturniolo: When will you be able to comply with the approved plan that you have there in front of you?

John Pfeffer: Right away.

Vice Chairman Sturniolo: As soon as you do, would you be kind enough to contact Patti Tipa at Village Hall here, 104 Main Street, and tell her that you have complied with the approved site plan, and then somebody will come out and verify. Anybody else have any other thoughts?

Ralph Vigliotti: Thank you for coming. We're off season now, so everything that you say is really kind and wonderful and then we'll approach the season; April, May, June and we'll be back to where we are, which is, you may not be on site, things will begin to collect, and then we're back to taking photographs again. To be quite up front now, we're no longer going to be taking photographs. We're going to be issuing violations. The cost of patio furniture may go up because of that. You have a site plan that's been approved, we don't need to have the Building Inspector come back to that site every month with photographs and to get your company to do the right thing. It's time now that you do the right thing on an ongoing basis, and let's cut it out. Your site looks like Central Avenue in Yonkers and Hartsdale, and you're not maintaining it. When we approach the level that you did last year, it's abusive to this town and it has to stop.

John Pfeffer: I agree, and my goal is for that never to happen again.

Ralph Vigliotti: It's more than agreeing. It's following through on the site plan. I don't know if the site plan truly indicates that you can have umbrellas there, and somebody is going to have to interpret that. As funny as it may sound, I don't see holes to position umbrellas in the original approval, which means there are tables and chairs without umbrellas. You have allowed it to become unsightly. You've opened a can of worms. You are now under a microscope with this Planning Board and the Village Building Department. You've managed to get to the top of the list. I hope you will do everything you can to get off that list. Do the right thing for the Village; you are an active member of the Village as far as your business goes, and I hope you will treat this Village with some respect. It's a two-way street, it really is, so, please, do the right thing. The side yard is for display and not storage. I'd like to get an interpretation whether or not we are displaying umbrellas. It almost looks like it has a circus appearance because it's so close to the road with the umbrellas. I'm not sure if umbrellas are really approved here.

Nanette Bourne: It is on the next page.

Ralph Vigliotti: Now, I know this is a memo regarding your findings, who has actually set this off? This is from 1995, these are findings, or was this what was approved?

Vice Chairman Sturniolo: I believe this is what has been approved.

Ralph Vigliotti: So in 1995 there is a second page outlining the umbrellas. Okay, my error. It was R & R Pool, I guess at that point. I would hope that it might limit, on the front maybe, all of the umbrellas that you're showing just to help us.

John Pfeffer: Oh, I certainly will.

Ralph Vigliotti: I understand you're trying to attract people to the site, I think everybody knows you exist.

John Pfeffer: Yes, we will make them attractive.

Vice Chairman Sturniolo: Joann Schleg was the store manager for R & R Pool, and she wrote a letter saying that everything was up to snuff regarding the approved plan, which then it probably was, but obviously it is not tonight, and that's why we're here together.

Ralph Vigliotti: Mr. Pfeffer, just for the record, Page 2 is saying "outside inventory." It doesn't say what was approved, I don't think. It says R & R Pool and Patio outside inventory. It says memo to Mr. Cassidy, I'm not sure who from, and regarding your findings. Now, this is an inventory of what was there at this particular point in time of what may have been stamped. This is a sketch that was stamped at some point, sent to Mr. Cassidy by possibly the manager at that point, because it's saying memo to Mr. Cassidy. I don't know if this was added on later or if this was on your original. I do question whether these are the items that were on site at the time, what was approved



at the time, and I think it may require a little bit more research to find out what is really approved for that site. Maybe we can't do it this evening, but I'd like to take a closer look at this. This is a memo on the actual inventory that was sent to him that was stamped on this date, and, we have approved an outdoor display; there is a stamp on here and the stamp is saying it was received as opposed as approved, so just as a point of interest.

Nanette Bourne: Was there a resolution? I remember the discussion; I don't remember how we resolved it.

Vice Chairman Sturniolo: Not in Nancy's file.

Nanette Bourne: I'll see tomorrow if I can find something.

Ralph Vigliotti: In the minutes, at some point, this may have been in the minutes. Anyway I'll take a look at it.

Vice Chairman Sturniolo: Okay, we'll be waiting to hear from you shortly.

John Pfeffer: Thanks for your patience.

Vice Chairman Sturniolo: Next item on the agenda is a memo from Jim Palmer, Village Manager to Jeff Econom regarding Local Law #5 dated 2007 with an attachment and then after that is a memo from Jim Palmer to the Planning Board regarding Kisco Avenue Resolution of Approval. What that is in essence, when we approved of the Lexus property, one of the conditions of approval was that they had to apply to the Village Board the ability to change traffic direction, change traffic lanes on Kisco Avenue, and make Holiday Inn Driver wider, four lanes, and the traffic light. Whitney, do you need to add anything?

Stanley Bernstein: There was also a memo from Anthony on violations, the tracking pads and so on, that's in here.

Anthony Oliveri: There were a number of issues with the storm water pollution prevention plan and the erosion control methods they were taking. We've been dealing with them on that, and we'll be making another inspection this week.

Vice Chairman Sturniolo: The letter from your colleague, Anthony, where he states non-compliance as of that date, has that been updated yet?

Anthony Oliveri: Yes, we've made additional visits out there.

Vice Chairman Sturniolo: Can you give us an update on that.

Anthony Oliveri: Yes, I'll follow up.

Vice Chairman Sturniolo: There is some correspondence from Assistant Village Manager regarding Stuart Heights Apartments, and a letter from Jeff Econom regarding the former Stop & Shop/CVS Pharmacy and bank, and we have a memo from Ashley regarding the Stonsby property at 91 High Street. Nanette, it appears to me that Camacho, where he planted trees on Village property, that some of them are dead. Could somebody take a look at that and see what we need to do come the springtime?

Stanley Bernstein: Did he ever get his C.O.?

Vice Chairman Sturniolo: He got approval of the tree planting from the Village Board to plant on the property.

Stanley Bernstein: We never did a resolution of approval for that property.

Nanette Bourne: Sure. He had a C.O. for a portion of it, and did he get the C.O. for the rest of it? I would be surprised if he did because there were some issues and he needed to come back.

Stanley Bernstein: But he got his resolution of approval?

Whitney Singleton: There were issues relative to whether or not he should be entitled to either Certificate of Occupancy or temporary Certificate of Occupancy, therefore, it was referred back to your board, and your board stated that a certain number could be issued, but that the balance of the Certificate of Occupancy could not be issued until some milestones be met. I don't know whether they've been met or not. My guess if you haven't heard from him, he's got what he needs.

Vice Chairman Sturniolo: Then there is the memo to Gary Gianfrenesco, Diego Villareale and Wayne Robinson regarding Lexus, and we talked about that. There is the letter to Nancy Placona regarding 14 Kerry Place.

Stanley Bernstein: There will be a new owner, apparently.

Vice Chairman Sturniolo: Apparently.

Stanley Bernstein: But Evans is still doing the environmental?

Vice Chairman Sturniolo: Yes.

Stanley Bernstein: I guess he has to come before us again.

Vice Chairman Sturniolo: DeMarino is a landscaping business that operates out of Mount Vernon, and he is now going to move.

Stanley Bernstein: You don't know if he's going to be a tenant or he'll be the owner.

Vice Chairman Sturniolo: Who knows at this point? Anybody else have anything else?

Motion to Adjourn: Ralph Vigliotti  
Second: Vice Chairman Sturniolo  
All Ayes

Meeting adjourned at 9:30.

Respectfully Submitted By,

Stanley Bernstein  
Board Secretary

dm