

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, November 25, 2008

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

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

Members Absent: Vice Chairman Sturniolo

Staff Present: Nanette Bourne
Anthony Oliveri
Whitney Singleton

Approval of Minutes:

September 23, 2008

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

October 14, 2008

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

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**

From the Public:

**Michael Hardiman
23 Park Drive**

**Marion Halberg
23 Park Drive**

Michael Gallin: The application in front of the Planning Board tonight at this public hearing is for some additional improvements to the property at 333 North Bedford Road. The property is 30+ acres approximately 575,000 square feet. Originally it was a distribution center for Grand Union. It was vacant for several years and about a year and a half ago we were granted approval to re-occupy the site for multi-tenants. Subsequently there have been applications in front of this board to put in some other uses that we are excited about that diversify the site. The majority of the site will continue to operate as warehouse use, but there is currently occupied on the site under Special Permit as Grand Prix New York, and the immediate application is for Mount Kisco Sports Arena, which is an indoor sports training facility. The facility is occupying 71,600 feet at this location on the site. The facility will encompass three infield diamonds. This particular space is 124 feet by 255 feet. They are not standard athletic fields; just sports training fields. At the front of this facility there are two training basketball courts. There are some locker rooms and changing rooms here, and then there is an indoor golf training facility in the back. There are some additional training tunnels for pitching and batting. They have mesh around them; they are netted with mobile equipment. There is a small pro shop at the front of the facility that sells accessories to the people in the sports training. The facility is oriented towards training in that when you schedule an appointment you'll come and train with a coach in a relatively small group.

Ken Rudolph: We are going to have specific sports training for individuals and teams. Specifically you can bring in a small baseball team or a soccer team and come in and play on either one of three fields. If they are all coming in for sliding training, the net will be pulled back and one field of the three will accommodate. Most of our children who will train will be high school or under. As you can see, it's a facility that not too many other people have. Throughout Westchester there are only a couple of places that do this. We're going to have two basketball courts, and most of the training will be geared for kids attending high school and below. In the back we have a golf area, a hitting cage and video equipment. We will have four stationery training lanes where you could do sprinting. Here is locker room storage with a sectioned area. Our entrance way is the lobby and the pro shop.

Michael Gallin: Over the last several months, the Planning Board has asked us to look at a variety of issues including traffic, the parking, and hours of operation. One of the nice things about this facility is the synergy. It will have different operating hours, and like Grand Prix New York there is no truck traffic. By diversifying and creating a multi-use site, we're pretty excited about the fact that the overall impact is very little.

Michael Hardiman: Where are the comparable facilities in Westchester County?

Ken Rudolph: There is one in Elmsford called Frozen Ropes. It's about 30,000 square feet and it's set up similar to ours. They put one field and then all batting cages and in the field they have columns. That is something that we tried to get away from, so we could actually bring a little league team in to have a practice and training.

Michael Hardiman: Is this facility similar to Sportstime?

Ken Rudolph: No, this is a new store. They were in White Plains and they just moved to Elmsford. There is also another facility called Pro Swing in Mount Kisco, and they just do baseball training. I think it's about 10,000 square feet.

Michael Gallin: To be clear; I've been to Sportstime; this is an entirely different facility.

Ken Rudolph: We will be geared for training of young adults. We will have sports specific training for baseball, lacrosse, soccer. Each sport will have a director and then instructors. You can sign up for classes and individual lessons, etc.

Michael Hardiman: Can you speak to the clientele?

Ken Rudolph: We believe the clientele will be mostly children, high school and below. Our hours will be 4 P.M. to 10 P.M., and then during the day it's kind of our "off" time. We would like to have classes for mother and little children.

Michael Hardiman: What type of teams might use it? High school teams seem to have their own facilities.

Ken Rudolph: The high school team will train baseball here in the off-season. They would for example in the winter use the baseball facility. Soccer and lacrosse will be the same thing, so it's kind of an off season. During the season they might come in during a

rainy day. The baseball field is a smaller, limited field so it's geared for younger children.

Michael Hardiman: As a resident of Brookside Village, we have been very happy in the past with what you have done, and we trust you will develop the site responsibly. Certainly we want to stay on this process and keep on the table the reminder that we are most concerned with the traffic impact of this facility. We want to make sure that promises that are made about this development be kept. We would be very concerned with a bar on the premises and drinking that would occur with people using this facility.

Ken Rudolph: We don't have a bar.

Michael Hardiman: Thank you.

Marion Halberg: I would like to reiterate what has been said so far. We have been very happy with the development that has been going on at the property. I was wondering is it a kind of "drop in" traffic that you're anticipating.

Ken Rudolph: It's very limited. Most of our events are structured. We will have clinics and individual lessons. Most of the field time is structured as well. We are not going to put an individual on the field by himself with one instructor. It's not affordable for us. The individual "walk on" traffic that we'll have will be for training tunnels, as we can only put one or two people in a tunnel at a time. We only have four that are going to be used like that.

Marion Halberg: How long would somebody do that for?

Ken Rudolph: An hour, usually, max.

Marion Halberg: And what kind of volume would you expect in a typical day?

Ken Rudolph: Each field holds 10, 20, 30. 10 on the basketball court, so 40, 50 and the training tunnels. I would say 60 max.

Marion Halberg: And the kids would most likely be dropped off by a car and then picked up later, so there would be cars driving in and out.

Ken Rudolph: When we're doing teams and clinics, most of them are car pooled. The way we have calculated it, our traffic flow is fine with the counts that we've had so far.

Marion Halberg: I would like to reiterate what was said before, Mr. Chairman. The assurance that we receive now is the assurance that we want later on. We do have a concern, and I think it's important to let the Board know that we are concerned about the continuous traffic and traffic problems here in Mount Kisco. Even though we are very happy to have a light at the bottom of Park Drive, it is actually very dangerous. We have been talking about a cross walk there, as there now is no crosswalk. There is no safe way for our children to cross Park Drive. The lighting situation needs to be evaluated also. These are things I really hope will be considered.

Chairman Cosentino: Obviously the client is going to offer us apple pie and ice cream. There is no doubt about that. I would like to say the reason why Grand Prix is in here is because of things that have happened, and you all of course, know about it. Jim Diamond has been very responsible with our letters and meetings and taking care of things. Nobody can police this day and night. So I can't tell you, on behalf of the board, that what they promise is going to happen. You are right, and Jim Diamond has to be responsible. The special use permits are his, and he needs to be responsible in our demands.

Jim Diamond: In addressing the traffic issue specifically, what we've tried to do with the whole project is focus on low traffic generated tenants. What attracted us to Grand Prix originally and also to this use is that they are uses that potentially consume a large amount of space. Grand Prix is 120,000 feet. This is 71,600. That is 192,000 feet which if used as an office or warehouse would be something on the order of probably 1 person per thousand feet for warehouse and 4 per thousand for the office component. That is a much higher density with a lot more trucks. The nice thing about something like this is you have a lot of open space, and it generates potentially zero truck traffic with the exception of garbage trucks. Part of the approval resolution for our overall property is to go through periodic traffic counts. One was 35% occupancy, and we just completed one that is 75% occupancy. The most recent study that was just completed

in the last two months is below our pro rata threshold. So the theory is working in practice, and our truck traffic is way lower than projected.

Marion Halberg: We are very thankful for that and we really appreciate all the planning that goes into it. But please know this is a residential neighborhood with a lot of people and a lot of children.

Chairman Cosentino: We are thinking of this, and as this goes on, we will continue to think of this. We will leave the public hearing open for written comment for ten days.

David Stolman: We reviewed the information from the Brewster Sports Center and would like you to talk a little about the corporate leagues they have.

Ken Rudolph: We don't have any corporate leagues. We might have a local basketball, soccer or lacrosse league, but we feel it would only be one or two hours, and the last training sessions would begin at nine and end at 10. We don't think we are going to have too much league play, and if it is it would be structured, with referees. We are not going to have any pick up leagues where anybody could just show up and play. Our adult league play is very limited.

Michael Gallin: To be clear, it's really only the basketball courts that would accommodate evening league play.

Lester Steinman: And lacrosse?

Ken Rudolph: The fields are a lot smaller than regular lacrosse; we would only be able to accommodate a five on five maximum. Soccer, six on six maximum. Because of the size of the field, it's kind of limited on what we can do.

Lester Steinman: This is independent basically for training; this is essentially a gym.

Ken Rudolph: It's training for the adults.

Lester Steinman: This is not supervised in terms of skills and using the facility and running a league.

Jim Diamond: Each sport has an athletic director. It would have to be tied into the training function of the facility.

Lester Steinman: I think this is something Austin has to take a look at and make sure he is comfortable with as far as parking. Basically what I'm hearing is we're going to open it up at 10:00 for leagues.

Ken Rudolph: The leagues I am talking about would be an adult league that is involved in the facility; not just an open league where you just play and play. It's an organized league, and there are going to be times where they are going to come in and want to practice and train and use the facility not just for the time they are there for the hour, but they will come and use the facility for a lesson or individual instruction.

Michael Gallin: I believe what you're saying is consistent with what was presented to Austin and what Austin commented on. I do not understand your comment.

Lester Steinman: I don't know if any of the members are under any obligation to take any training.

Michael Gallin: We presented it as an analogy to a dance training studio. They are clearly training studios to take lessons. In the evenings, periodically they have practice dance sessions where people come in and dance. You can sign up or you can just arrive there. This would be consistent in the sports training use in the dance analogy. This is a little bit different in that this is a little bit more organized. You can't just arrive here on a free schedule; you have to adhere to the schedule of the athletic director.

Ralph Vigliotti: So you wouldn't be advertising for adults and teen basketball leagues to use this facility? It's more of a practice facility, or are you proposing team leagues; adult basketball, ten league tournaments?

Ken Rudolph: No. Let me explain. The AAU basketball program comes in, they have teams. The teams sign up and play games. They rent court time from us, but they are also taking lessons, using the facility during practice lessons. When they come in, they will take an instructor and a ref with the team and they will go on court for an hour and

just practice. That same team will come back and have games. There will be a tournament there or they will have a game against another team. It is not a thing where we are just going to rent for leagues. We want people to come in and use the facility not just for a place to play - they could go to the YMCA for that.

Jim Diamond: And that's what I meant in terms of there being an athletic director for the league whose job is to bring children or adults in for instruction for that particular sport, but as part of that there is also offering team play as part of the training. It's all tied together under the athletic director for that particular sport.

David Stolman: So, unless they were training you would turn them away?

Ken Rudolph: It's going to be structured so you can't just walk in and say I want to play basketball.

David Stolman: So if they want court time would you turn them away?

Ken Rudolph: No, we wouldn't turn them away, but we would try to bring them in and use the facility. Someone can't just call up and say I have a league and I have fifteen teams and I want to bring them over. We wouldn't be able to accommodate that. It has to be a thing that we're running ourselves. Our programs will be structured. We'll have game time, instructional time or court time. It's not where we're just going to open it up and say anybody could come in.

Lester Steinman: I think if you're going to have a league and you're going to have a staff, you're going to have games. The question everyone is asking is, is that all they want to do? They are appointed a night and time someone plays a game and leaves, are they obligated to take lessons or training or practice? To do something else other than play the game?

Jim Diamond: Their business is about sports training and lessons for individuals. Like any business, obviously the idea is to try to build the business and maximize revenue. If people come in once to play a game, the idea is to try to convert them into long term customers as opposed to just turning away business. I think the key thing with this facility is that the fundamental dynamics will continue, which is the fields can only accommodate X number of people. It's not like there is going to be a huge number of people using the facility, and as a business operator admittedly they would be motivated to try to be a successful business and convert these people into long term customers.

Ralph Vigliotti: As a business operator and trends die and new trends begin, and survival of your ten, fifteen year lease, you are going to do whatever it takes to keep that lease.

Jim Diamond: Absolutely.

Ralph Vigliotti: What are today's sports training facility could be tomorrows YMCA. My concern is what this could evolve into once you have the zoning to allow this to happen.

Jim Diamond: The zoning is for a sports training facility, and it has to be a sports training facility or it would not be a permitted use. I don't think the occasional basketball game changes the fundamental character of the facility, but the sense that they eliminated instruction and it no longer is 98% of the business, the fundamental nature would be something entirely different, which would no longer be what the proposed use was.

Joseph Morreale: If I'm listening to the two of you carefully, what you want is flexibility. You want to be able to bring in leagues if you can't fill the time with people who are in for training. That's very clear. You're saying that but you're kind of saying you'd like to get involved with the training, but if you can't, you want the freedom to bring in leagues.

Michael Gallin: I would say it a little differently. Our premise is that league play is integral in sports training. And that's just part of the overall use. That's the argument we made to Austin.

Joseph Morreale: But you're not willing to say that that's the only groups that you'll have in league play. You're not willing to say that the people who are training are the ones who are going to get the time to have the leagues.

Ken Rudolph: If our business model works, we won't have room for anybody else.

Joseph Morreale: That would be great, but we just have to know what we're dealing with.

Ken Rudolph: That's what we're trying to accomplish. On a Saturday night at 10:00 say, we know that we're not going to have a training facility for 10 or 12 year-old baseball players. That's where we are saying the adults are going to be there, and the adults are not going to be taking baseball lessons. They work during the day, and it's difficult to get them involved in a program. They will come and use the facility maybe by themselves or with a team; not a league. But we won't want to turn them away.

Joseph Morreale: Do you have shower facilities?

Ken Rudolph: We really don't want to, but we're debating it right now. If we do have shower facilities, it won't be a row of showers, it will be one.

Chairman Cosentino: Since it's not a membership club, how does one pay for this?

Ken Rudolph: A team pays.

Chairman Cosentino: Are they charged by an hourly rate?

Ken Rudolph: We have different rates for different functions. We have not set the exact price of it yet. We are researching how they are working in other facilities. For example, on an individual lesson in the training tunnel there is a digital screen with an actual major league player coming out in pitches to you. For that it's \$85 an hour, if you're going to use an instructor. The regular pitching, if someone is just pitching to you is \$45 or \$50.

Chairman Cosentino: If a ten-year-old child comes in with his parent, in these economic times, what are you going to charge that father and his son?

Ken Rudolph: We have not set that up yet. Our business model is really for the clinics. For basketball court it's \$100 per hour for the team, which includes an instructor. Ten guys on a court are \$10 a person. We are putting in a few different basketball hoops which would allow you to play quarter court, half court, and get shooting lessons, and that will be priced accordingly.

Chairman Cosentino: So ten kids could come in and have a whole game, five and five for \$100 an hour.

Ken Rudolph: Correct, for the whole court. On the baseball fields it's \$150 an hour per field, which comes with two instructors. Soccer is a little bit less, golf is a little more.

Chairman Cosentino: What about training?

Ken Rudolph: That's included in the \$100, unless somebody takes an individual lesson. In baseball, our director is a former major league coach. He has a pitcher that comes with him, so if somebody wants a pitching lesson with a major league player, that's a lot more, maybe \$110 if it's with a former major league player. Golf is \$110 an hour, which comes with a PGA professional.

Joseph Morreale: If everything is going on at once, how many people are we looking at?

Chairman Cosentino: About 60 or 70.

Michael Gallin: That is including the parents that would stay around and watch.

David Stolman: Are you planning any events in which there will be spectators?

Michael Gallin: If you have 60 participants and say each brings a parent or two, in theory you could have 200.

Ken Rudolph: We'll have tournament play but the times will be staggered so they won't be coming all at once.

David Stolman: Are you having exhibition play with a few teams coming in?

Ken Rudolph: We're not really geared towards spectator types where we would bring in someone to showcase. We're not looking to do that.

David Stolman: You're not gearing towards that so it's out of the question.

Ken Rudolph: I wouldn't say it's out of the question, but we don't have any plans for it.

Michael Gallin: There is no grandstand that can accommodate anyone watching a game. It's not set up for that.

David Stolman: I understand what's practical and what's not, I just asked because I think the Planning Board is interested in knowing and perhaps putting a cap on what a large event should be. I'm trying to feel this out to understand not what you're gearing for but what could be.

Ken Rudolph: We're not really looking for that.

David Stolman: So we can exclude that.

Jim Diamond: I think we're trying to be very honest and forthright in terms of the business model. But we also want to be careful in terms of who knows, five years from now there could be that one event that is 250 people instead of 100 people. So I think we're trying to be forthright in terms of the business. None of the baseball fields have an outfield. So a full baseball game is not even a possibility. As Michael pointed out, the fields take up the vast majority of the facility. There is a small walking area between the fields. There is no provision being made for a large number of spectators. There is enough provision being made for parents to drop off their kids and have a place to stand.

Stanley Bernstein: Mr. Chairman, tonight I'd like to be an advocate for Vice Chairman Sturniolo. He asked this question last time you were and I'll ask it again for him. What happens if you set up a day where Derek Jeter comes and autographs baseballs, and you have a line of maybe 1,000 people coming to see him? You would set up a table, and he sits behind it. Is that a possibility?

Ken Rudolph: We're not looking to do that. That's not what our model is.

Stanley Bernstein: Let's say business gets a little slow and you need a publicity event.

Ken Rudolph: I can give you an example of how that is done. Steiner sports does it now. Derek Jeter comes in and does a clinic on this field. They had it last week. They charged \$3,600 a person, and he sold out. We would limit it to how many people we were going to have, say ten kids. We're not going to say 200, because that's not what we're doing.

Stanley Bernstein: But this is a little bit different. You set up a table just like this with him and a couple of agents. He's got a box of baseballs and the kids come in through the door in a line, a couple of hundred of them or more, and he signs the baseball, says hi, shakes their hand and they walk out. Is that not a possibility?

Ken Rudolph: We wouldn't do that.

Ralph Vigliotti: But he can come in and do a clinic?

Ken Rudolph: Absolutely.

Michael Hardiman: I would like to know what the possibility would be of turning it into an arcade as in Sportstime in Elmsford.

Ralph Vigliotti: Will there be any coin operated games?

Ken Rudolph: Not that we know of.

Ralph Vigliotti: So we could make that part of our resolution at some point that there will not be any coin operated games, such as video arcade games.

Ken Rudolph: Yes.

Ralph Vigliotti: I'd like to take another look at the traffic light and how to make that crosswalk and traffic light more pedestrian friendly. I know we brought it up to the

point where it is now and it's certainly much safer than it was. Can we ask our consultant to work with Mr. Diamond in bringing that light and crosswalks up to speed for the residents and children of Brookside? I would like to bring the traffic light up to a different level. Right now it's traffic friendly, but I'm not sure it's pedestrian friendly. I think we need to do that as we grow on that site. Also, I'm not sure if traffic from 8:30 to 9:30 A.M. is peak traffic in Mount Kisco. I happen to think it's earlier. I think the peak traffic is longer, maybe 7:30 to 9:30. I honestly believe 4:45 to 5:45 is not peak either. It might be 3:00. I think the times need to be extended in order to get a fair estimate through there.

David Stolman: Normally they will start at 8:30 and take measurements and count in 15 minute intervals.

Michael Gallin: The other thing to consider is to keep in mind that updated traffic studies are always in relation to baseline.

Stanley Bernstein: Did you happen to see that letter from Ed Burroughs? You should get a copy of that. He raised a question of excessive parking. It's nice to have a lot of parking because we have so little of it in Mount Kisco, but when it impacts upon the environment by increasing the impervious surfaces when it's not needed is a problem. We all seem to come to the conclusion that we do have excessive parking, but there is an environmental problem, so you might want to look at his letter.

Jim Diamond: In the past there has been some concerns raised about whether or not we have adequate parking. One thing we have done is taken up a lot of impervious surface in the first go round and each subsequent application, and as included as part of this application we're proposing to take this whole area here which is blacktop and replace it with grass, so we've definitely reduced our impervious surface significantly throughout the site. The additional parking that your reference here is not actually new paving. All we're doing is striping spaces that had not been previously striped on the site on the north side of the property from when we originally occupied it.

Stanley Bernstein: This has been an ongoing problem of mine ever since the wetland was drained before A & P and Target came in. In some of our earlier discussions I mentioned to you, and you didn't give me a yes or a no, but you said you'd look into it. The sheet flow from your property has been stopped. The wetland can't access that sheet flow anymore. It's diverted at that point, and there is really no way of reactivating that former wetland. That was a very big mistake that was done. It was done with the permission of Mount Kisco, whoever was in charge at that time, but it was a big mistake. We've lost the wetland. Is there anything in your mind or your engineers mind about re-diverting the pick up of water into a sheet flow into that wetland?

Jim Diamond: Obviously that was an issue that we studied right in the beginning of the plan, because that was what caused the flooding on our property, was that work that had been done for Hurricane Floyd, and the work was actually done by the town of Mount Kisco. It caused some problems for us which we did rectify on our property. It actually raised the level of the riverbed here, so that our drainage was blocked, which was causing all these drains to back up and we actually ended up needing to run a new drain line to this whole storm water system we did over here. I'm honestly not sure exactly what was done after Hurricane Floyd that caused the water supply to the wetland decrease, but it was done.

Stanley Bernstein: It was blocked. The berm was built; it is about six feet high.

Chairman Cosentino: I think at this time we need to let that sleep for reasons.

Lester Steinman: There is still the question about the Leagues. The question was presented to Austin, and the answer is not what we are talking about here. I would recommend the board ask Austin to specifically opine about the visibility of the league use unconnected with membership.

Chairman Cosentino: At this point we will not close the public hearing but leave it open for ten days until December 9.

Lester Steinman: Yes, I would continue it over time and get the answers. If the answer is yes, it is permitted, and then we will continue with discussion.

Ralph Vigliotti: I would like to throw it back on the traffic light. I would like to see either our own consultant or your consultant tell us what the next step would be to bring the traffic light and the pedestrian crosswalk up to a different level.

Lester Steinman: Do you want to have John Collins address this?

Ralph Vigliotti: I think the residents have been heard tonight and I think it's a very legitimate concern protecting you; because they would be coming to you with a potential lawsuit that may incur which I hope never, never happens. But I think we need to address that traffic light and how we may be able to bring that up to a higher level for pedestrians.

Michael Gallin: Just to be clear that's a DOT road. Diamond Properties is not in the power to do anything on that road, but they can be an advocate for the DOT.

Chairman Cosentino: We'll let counsel worry about that. Now, let's go over Ideal Electric. What is happening with that?

Jim Diamond: Ideal is very similar to Airmack in that it's a wholesale business. Everybody obviously knows what Ideal is; it's been here a long time. They do not consider themselves retail. They consider themselves a wholesale that is open to the public. Their pricing is lower than retail pricing. Retail is a relatively minor part of their business. I queried them when I was informed we were going to be talking about it today. They feel they will have five to ten customers per day maximum. Their business is primarily wholesale. Ideal is very similar to Airmack.

Chairman Cosentino: I think it still has to come back to the Planning Board.

David Stolman: I think the issue is to what extent there is retail and wholesale? We need to get a little bit of a handle on that.

Michael Gallin: I don't think we have a floor plan with us.

Chairman Cosentino: I think they are going to have a showroom with lights. Airmack doesn't really have a show room.

Michael Gallin: They have an area here where they sell accessories. It's not a showroom.

Chairman Cosentino: This is going to be a showroom with lighting. You are not going to get a contractor come in there and pick out a fixture. You're going to get a lady of the house come in and pick out a fixture. That's sales. Comparing Ideal to Airmack is apples and oranges. One has a showroom, one doesn't. This has to be addressed, so it has to come back before the Planning Board.

Lester Steinman: If I could put that in context, in May of 2008 the Planning Board granted amended site plan approval for this project and it was discussed that there are some warehouses that could also have wholesale components. Austin opined that under wholesale there is some permissible limited amount of retail that would be okay on the site. According to the resolution, all retail use of the building on the site would be separated and the physical use would be further limited to and abide by the document that was submitted by the applicant, which is a summary of percentage of consumer sales. That document could be updated.

Jim Diamond: We can update that. In answer to your question, as a percentage of the total space it's a relatively small amount, about six or seven percent of the total space. It is primarily warehouse with office space and a small showroom.

David Stolman: In that case you need to pin it down to specifically what we feel comfortable with.

Michael Gallin: Would that be a formal application?

Jim Diamond: We are showing it on the plans that are in front of the board now. Could we update that in the next submission and include that? It has been approved in our parking calculation.

Chairman Cosentino: Yes.

David Stolman: I would say the Summary of Tenants and Customer Sales needs to be updated.

Public Hearing:

**Grand Prix New York
333 North Bedford Road
PB2005-21A**

Present: Jim Diamond, Property Owner

**From the Public: Michael Hardiman
23 Park Drive**

Chairman Cosentino: As you know, Grand Prix New York has a Special Use Permit, under the ownership of Diamond Properties. Grand Prix had a special event; we denied it and he had the event anyway. When we contacted them about it, Jim knew nothing about this but obviously since he's the owner of the property we had to call him in on it. He was very upset about it. He spoke to his tenant. It was a court issue, but it's over and settled. We want to now look at the resolution to find out what this board is going to do. This is to answer a previous question asked tonight, "How do you police this?" This is one way in which it can be done. We call the owner in and review the site plan on that particular piece of property.

Michael Hardiman: I may have some comments.

Lester Steinman: And out of that it becomes a discussion about the special permit, some of the conditions that are in there and how the Planning Board could project they could be tightened up. It is really kind of an open discussion about that and it is my understanding that tonight the applicant is requesting an adjournment of the meeting to allow him more time to make a submission of what type of things they're looking for. So, this will not be completed. If you wish to speak, obviously the chair will give you an opportunity but there will be a continuation of this and probably a more detailed discussion as we go forward.

Michael Hardiman: I did want to speak to the issue of how the use of Grand Prix, which is different from the submission which was proposed and this needs to be addressed. About a year ago there was an article in the New York Times titled "*Come for the Carts, Stay for the Cocktails.*" That is very different than what the initial proposal was. At the time we were reassured that the typical client would be the Fortune 500 corporate retreat, and increasingly we began to see ads and come on's to include a description of the bar, the lounge; recently I saw a sign outside advertising the restaurant. Again, that may be fine but I wanted to raise to the board that the original proposal is quite different from what is there today. The restaurant at the time was presented as an ancillary amenity. It seems to have evolved into the primary draw. This is very, very different from what was proposed. Our real concern is the drinking and driving.

Chairman Cosentino: Just let me say I don't think you'll find one member of the Planning Board that will disagree with you. It's not what we expected to be either. That is why they are before us now. Jim Diamond had no knowledge of a lot of the things that have gone on down there.

Jim Diamond: Don't believe everything that's in the New York Times. I do recall that article and I know that even Grand Prix was upset about it when it was printed. They did not feel it reflected the business. The business is, has always been and is still really directed at corporate events. That is between two thirds and three quarters of their overall revenue. They do a tremendous number of events, something like 550. This past Saturday was nine events, ranging from 20 people to larger. It's a membership club, but the idea was to target corporate events, and they always predicted the minority of the business would be individuals who use the facility. That's the way it's worked out. The restaurant is not advertised from the outside of the building. I understand it was in Clipper magazine, and I guess they're trying to generate business. There is no sign on the outside of the building saying there is a restaurant inside. They really are not attracting a lot of people to the restaurant. I think it's relatively quiet most of the time, as I was there last night for a meeting and the whole facility was closed by 10 P.M. It's not like Appleby's where there are people in cars in the parking lot filled with people waiting for a table. Usually if there is anyone eating it is two or maybe four people. I am sure there might be sometimes more. There definitely have been some sticking points over the year and we've tried to iron out the rough spots. You know where to find us and we are obviously part of the community and where we make a mistake, we try to fix it and make it better. I do think it's a positive addition to Mount Kisco. It really is phenomenal in terms of how little traffic it generates. My office window looks out onto the area where those cars park, and there is rarely more than 30 or 40 cars parked in front of Grand Prix. One thing we've noticed is that when they have

events are that are larger in size, as they do attract a lot of corporations out of Manhattan and they rent a bus which holds 50 people for one event, which makes a lot of sense with people coming from far away. I think there are a lot of positives with it, which are really strong. There were a couple of negative things that have happened and a couple of events that should not have happened.

Chairman Cosentino: I don't want to get into a debate tonight, but there are things we did not visualize such as your membership. You can be a member just for the day. We did not visualize that. We know and it is documented that you can just go in there and eat and not register as a member. These are the things we are going to be talking about. These are the things that we did not visualize going in. I'm sure things are going to work out, but we're on top of it.

Michael Hardiman: I appreciate that and I trust the board will do so. I do want to point out that I visited the website and that was very enlightening. They offered discounted pricing for students under the age of 24. That, combined with a reputation of "come for the carts, stay for the cocktails" is a very different picture from what was proposed.

Chairman Cosentino: We will address that.

Jim Diamond: As far as the discounts, they are trying to respond with what they've learned from customers along the way. It's a relatively expensive day. Each race is \$20 or \$25 and generally you want to race three or four times over a couple of hours. So that's \$100 a day and they've found that for people under the age of 24, recent college graduates, it's outside of a lot of people's affordability range, and it tried to sort of address that age point.

Chairman Cosentino: I think he's trying to bring out that that's not the corporate part of it. We will continue this at another date. We will not close it.

Lester Steinman: We will continue it and we recommend January 22. By that time we hope that applicant will have their submission in.

Continuing Review:

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

**Present: Chris Thomas, Montgomery Distributors
Joseph Fedele, Operator, Kisco Service Center**

Chairman Cosentino: You may show us your changes that we wanted for the parking area.

Chris Thomas: The parking area in the back has been changed. The parking has been eliminated off the site plan.

Chairman Cosentino: So its status quo the way it was before?

Chris Thomas: Yes it is. It's still dirt. The other change was on the lighting.

Nanette Bourne: This is the first time I'm seeing this. In the future if you could send it directly to my office.

Anthony Oliveri: The other thing was the storm drainage. You need to show where the leaders are going to connect to the storm drain.

Chris Thomas: That does not show at this time. We are going to be connecting to the storm drain on Gregory Avenue, which we will show.

Anthony Oliveri: Also, please show the pipe on the plan.

Chris Thomas: No problem.

Chairman Cosentino: Now, this is based on the entire site?

Chris Thomas: Yes.

Chairman Cosentino: There is nothing else happening on the site, at the back path?

Chris Thomas: No.

Chairman Cosentino: Nothing is proposed for there?

Chris Thomas: No.

Ralph Vigliotti: Are you continuing the curb cut on Gregory?

Chris Thomas: Yes. There is a curb cut there now. Our plans were not to shut that down. If we have to we will.

Chairman Cosentino: So it's going to stay as is?

Chris Thomas: Yes.

Doug Hertz: Part of it is the construction on Parcel A, but it's also a proposed subdivision as well?

Chris Thomas: No.

Doug Hertz: So the proposed subdivision line that is shown on the site plan is what?

Chris Thomas: Right now we rent to two entities. We rent to Mr. Fedele and we rent to the funeral home for parking. It's for the lower parking area.

Doug Hertz: So this proposed subdivision line is?

Chris Thomas: Just for internal use. It's not for any subdivision or anything like that. It's just a separation line and there is no formal subdivision.

Chairman Cosentino: So you don't pay separate tax on it?

Chris Thomas: No.

Doug Hertz: For common language, I think the site plan should be modified to remove that because it's not a subdivision, so any references to a subdivision should be taken off the site plan.

Chris Thomas: We are not proposing that on this plan at all. We're just here for the canopy.

Nanette Bourne: Explain the shed on sheet number one.

Chris Thomas: There is no shed there, no shed exists. That should not be there. We'll take it off. There is just fencing around that whole area.

Chairman Cosentino: The only proposed piece of equipment that is going to go in there is the canopy, nothing else?

Chris Thomas: Nothing else.

Chairman Cosentino: Let the record show that.

Whitney Singleton: With regard to where we're going from here, there is a component of this application which is noncompliant to the zoning which is going to require an application to the Zoning Board of Appeals requesting a variance. However, before they do so there must be a SEQRA determination by your board. The Zoning Board would like input and recommendations from your board.

Chairman Cosentino: We are requesting they comply with the lighting and the variances.

Whitney Singleton: One other condition they are considering is technically this structure is a building, so the Zoning Board is requesting building needs to be removed.

Motion of Declaration to be Lead Agency:

Motion: Joseph Morreale

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

Continuing Review:

Westchester Residence and Club
Kisco Avenue
PB2006-19

Present: Patrick Hewes, Project Planner, Siccardi and Schiff
Kory Salomone, Attorney-at-Law, Veneziano & Associates

Nanette Bourne: The purpose of placing Westchester Residence and Club on the agenda is to get the board's comments with regard to the completeness of the preliminary final Environmental Impact Statement. Two meetings ago, comments on completeness were provided to the board by Anthony and I and I have received comments from Mr. Bernstein that I will integrate into the October 22 memorandum and any other comments that you have so that we can provide the applicant with the final steps so they can revise their document. The applicant has been in contact with me and has actually delivered a revised chapter, which is in response to earlier comments made.

Doug Hertz: Mr. Chairman, I have a few comments. I'll make a very brief summary of them and give the detailed information to Nanette to include in her comments to get one concise copy. My comments basically go to the fact that I disagree with a number of the conclusions that are drawn in regard to the comment section. I have about a dozen areas where a comment was made and then the applicant responds to that, the applicant comes to a conclusion that I don't believe this board has come to. Again, I will detail those with Nanette. This took me a long time because this is a large project and I wanted to be very thorough. One of the things I was disappointed about in the document is there were areas that we asked to be addressed. We had been going around with regards to LEED and there was a discussion that this document would address LEED in a more substantial way. I know that LEED is going to be an ongoing developmental process through this, but we wanted to get at least a preliminary sense of where the LEED points were going to be generated from and what technologies we were going to be expected to see on site. There is essentially no discussion of that in this document. The executive summary is very, very brief when it comes to LEED. Then there are some new items that I saw for the first time that were never discussed before this board that I saw referred to but not in any detail. One was that there will be underground storage for water collected off the rooftops for use in irrigation. I think that's a wonderful thing to begin with, again that was never discussed before this board. I am sure that will be an area that will help towards your certification, but there is no summary, no description of what kind of technologies, what processes you are going to be using. This was a surprise for me and I don't think we should be looking for surprises at this point. There was another comment that there are gable roofs designed to accept photovoltaic arrays. Again, the applicant was asked in previous times what sort of alternative energy technologies we were expected to see, and this was the first affirmative statement that we were going to see photovoltaic arrays on the rooftops. Now it doesn't actually say that you're going to put them there, it says the roof is going to accommodate that. Again, I think the document needs as was promised; a very detailed discussion of energy, water use, all the various technological components that are going to go into the structure, how strategies will be used to mitigate some of the issues involved. I would like to see that put in a concise way where we can refer to it rather than find an off-hand comment pushed throughout the document. Those are all my comments for tonight. I will make a specific page reference detailed to Nanette, and she can incorporate that. But in a larger view, I think there needs to be much more detailed summaries of the project and the technologies that are going to go into it and the various approaches that you're going to be looking at seriously and will be developed by this time in the program to achieve the LEED status that has been discussed and the other areas that don't apply to LEED, but that this board has expressed interest in.

Joseph Morreale: Let me make a different kind of point here. You've been very aware of the fact that we've been very concerned about a number of issues. Not that we're necessarily thoroughly opposed to the project, but we've talked to you about the mountainside, steep slopes, trees, how much open land there is going to be, size of the building, visual impact, etc., and when I read the document I was amazed that most of the things we raised weren't really addressed. I almost had the feeling that you didn't

think it was important to address them, or you didn't think we were serious, or somehow it's just going to get done anyway, so what's the point. I was really surprised because I thought something much more responsive would have been told, and I didn't. Like Doug, I am wondering why we aren't getting the response back we're asking for. We want to work with you on this, but I don't see it. Unless you don't feel the way I do about it. Maybe you think you made the addresses, but I can't see it. What is your response to that?

Patrick Hewes: Obviously we've been working on this document since Nanette's memo of October 14, so there has been work reflecting that memo. You have seen the work that has gone into the response of that memo.

Joseph Morreale: In other words that wasn't in the DEIS?

Patrick Hewes: That memo we have been responding to, and the work of that report has not been forwarded, so certainly a great deal of energy has been spent after we received that memo, but you haven't seen it yet. The memo that Nanette offered and Anthony's accompanying memo is what we have focused on and you have not seen our responses yet.

Joseph Morreale: Okay, so we're going to see more comprehensive responses and more detail. Is that right?

Patrick Hewes: Yes. We are preparing a full response to tonight's comments and that memo and Anthony's memo. Obviously comments tonight are new to us. As has been explained in meetings over the summer, when the architect team was here as well as when the engineering team was here there was an effort to explain the significant physical restraints that the site brings to any project and then specifically what can be done with this project given it's programming and there are constraints coming up with solutions given what the assignment is in terms of what physical space is needed, and then those efforts to build a project given the physical constraints of the site; we have done a lot between the DEIS and FDIS as we explained over the summer. But the site presents significant challenges to a lot of dramatically different choices we might have on the site. Therefore, the program, the design may not be able to be 180 degrees different from what was presented in the DEIS, as what is explained by the engineer. Not everything can be changed in the design in every way.

Doug Hertz: I don't think we're in disagreement about that statement. I think we're expecting though, is because of the significant issues on the site, and the significance of the site itself that where there are constraints that there be a more detailed explanation, because this is a document that we need to stand behind; that the public can look to, to answer the questions of did we look seriously at all these issues? What were the constraints on the site that the project entailed, what areas of mitigation did we look at and were able to bring to it? When it comes to run off, the fact that your proposing to capture storm water run off from roofs and re-use that is a positive, but yet there is a single half line that makes a reference to it and I haven't seen it explained anywhere on any other document. I think we're looking for a much more detailed description of what the issues are. Not so much necessarily a response only, but here is how we address these issues, here are the challenges and here are the various solutions that we are proposing; the compromises; so that we can have a full understanding of what the challenges of the site are, what compromises have been made, what solutions have been found so that we have a document that we can feel comfortable with and the public understands. The public needs to know that we looked at these issues seriously and in depth and that various alternatives were weighed with the proper discussion.

Patrick Hewes: I think our team tonight would say a lot has been done after we received that memo and we will be responding in a manner that will give you decision, summary, clarity of response providing how we came to the design solution.

Nanette Bourne: Do you intend to provide a Part Two to the project description? The point is that your project description is two paragraphs, and that gets to the point that was just raised. The board is looking for a more comprehensive description and you can't really do it in two paragraphs.

Patrick Hewes: The original comments to Section Two were some of the comments that we replied to but the narrative that you're looking for will be provided. It will be along the same format as what you've seen previously. The red lines will underline the changes and it will be as you asked tonight, detailed project description. Section One was outside the format of the FDIS so that you have a new and clear introduction to the particular issue. But given comments tonight and the way you are thinking about the

project, the "II" that is in the FDIS format will have the kind of summary that will hopefully address what you've spoken tonight about meeting. Every part of the third Roman numeral is a section-by-section response in the format of the FDIS.

Nanette Bourne: Not to belabor the point, in the FDIS you have a description and a proposed action, which is one page. So to be clear that what the board wants is a full description of the proposed project separate from the comments and responses, but pulling from what you have in the DEIS. You gave a lot in your previous presentations before the Planning Board and that was a complete presentation of what you're proposing, but it's not in here.

Patrick Hewes: Let me say that the FDIS that you do have has the extensive description that the engineer made about the alternatives, the decision making and the points of choices. That was done in July and that's complete.

Nanette Bourne: That's not what we're talking about.

Kory Salomone: It's a five or six page narrative of that, describing that?

Nanette Bourne: Yes.

Doug Hertz: With discussions of the various technologies you're going to be utilizing, whatever the components of the project are. I actually saw a chart in this that I hadn't seen. I know we had a discussion about shifting the loop road. For the first time what I saw in this was the fact that the loop road had shifted; we changed the area of undisturbed boundary of trees that was happening.

Patrick Hewes: The subject of the loop road is actually complete.

Doug Hertz: But my comment is that I had to sort of go and find that information by looking at that map, because nowhere is there a discussion of how that has changed. If there were a narrative that gave that information in one place so that we can refer back to it so that when we get to the questions and responses, we have a compact document that we can use as a reference.

Nanette Bourne: The problem is your advocacy chapter. It needs to be clearer.

Joseph Morreale: Complex projects require complex explanations and one-liners are not detailed enough. This is so we fully understand the document and we know you've heard us and noted the issues that we're concerned about.

Doug Hertz: I didn't see a section on water use, even though it's been discussed a great deal at various times. This would be a perfect place to incorporate those comments so that it's clear to the public and to us. So we know the directives, have looked it, and what measures your design team has taken to ensure the lowest possible water usage. That is one example.

Ralph Vigliotti: I'm still looking to see in final form the building height and additional preservations of trees. Gentlemen, if we were voting tonight I would vote against this project. I want that to be very clear. There are real issues that need to be addressed such as the height and the length of this property, preservations of trees and those sensitive issues to that mountain as well as the visibility of that project to the village.

Stanley Bernstein: Nanette has my comments.

Nanette Bourne: I have incorporated them into my responses and if I can get the other members of the board's opinion I can send them to the applicant, and they can be on the next meeting agenda.

Whitney Singleton: The other component was referred to you by the village board about the draft zoning. If your board will prefer, I can provide that to you electronically and you can add your comments and I can incorporate it into a memo.

Ralph Vigliotti: Our chair and vice chair are not here now and it should be discussed by all members of the board in detail.

Stanley Bernstein: And then we should coordinate a response back to the village trustees as to what we feel about the zoning change. My position will naturally be modified by the other opinions of the rest of the board.

Joseph Morreale: Also, there are a number of things that we've raised already in the minutes and I'm wondering if there is anyway to incorporate those if we feel they have not been addressed. I feel as if we are now going to prepare a document in response to the Final Environmental Impact Statement when we already made a series of points in the previous meetings that we are concerned about. It's like we ought to go back to Square One and re-do the whole document.

Whitney Singleton: This process is going to allow the board to be responsive to the comments made before the public hearing. They have presented you with a draft of that issue. By the comments presented tonight by the individual board members, they have indicated they are not satisfied with the thoroughness of the scope of the responses.

Nanette Bourne: I think they did attempt to get the issues that we raised that were included in the minutes.

Joseph Morreale: I get a lot of sense that they were mentioned and just noted.

Whitney Singleton: Would your board like me to forward to you the language for the proposed zoning in an electronic format so you can comment on it?

Doug Hertz: I would always prefer to have a copy electronically.

Whitney Singleton: Stan, if you provide me your comments, I will incorporate them for the benefit of the rest of the board.

Continuing Review:

**127 Barker Street
a/k/a 120 North Bedford Road
Filippo Simone
PB2006-05**

Present: Dan Simone, on behalf of the applicant

Dan Simone: The last time we were in front of you was back in February when the board had declared their Intent as Lead Agency. Since then this submission here is responding to comments generated by Nanette and Anthony. Also, I submitted revised packages to the New York City DEP and I did have some conversation with Ms. Oncioiu this morning. I believe we are at a part of the process now where we cannot act on it until the village makes the Determination of Significance. The application has not changed much since last time you looked at it. We removed one parking space to increase the setback to the parking from the front yard. Other than that it is pretty much exactly the same as the original application that you reviewed.

Nanette Bourne: Anthony and I will be preparing our review for your December meeting. There is one issue with the DEP.

Dan Simone: Yes, and I discussed it with Ms. Oncioiu this morning. There are a few things she wants added to it, and I am going to meet with her within the next few weeks to clarify some issues she may have. She reminded me that she is in the position where the board has to make a determination before she can ultimately make her determination.

Nanette Bourne: So making your SEQRA determination would not preclude you from making site plan changes. It will allow the applicant to move forward to get the critical information from DEP.

Stanley Bernstein: We will have to look this over again. Are there any substantial changes?

Dan Simone: We reduced a little of the impervious surfaces with the removal of one parking space. We've added some landscaping Nanette requested in the previous memo, and we've added some detailing on the plans. Ms. Oncioiu did inform me that she did start reviewing it.

Stanley Bernstein: Nanette is this a Main Street area?

Nanette Bourne: Yes.

Anthony Oliveri: There are a number of issues that came up. The turning radius in the driveway, there was some mention of the driveway's position. That is something that needs to be looked at. Also, it's not clear how cars are going to turn around and get out with the parallel parking spaces in the back. I'm not sure there is enough room.

Dan Simone: These will require a three point turn basically coming into here.

Anthony Oliveri: You need to show that on the site plan. Also, the garbage enclosure needs to be standard with what the village has now.

Dan Simone: It's a very small building so it's likely there will only be a couple of pails.

Doug Hertz: Is there a reason that the building couldn't be pushed back towards the rear of the site slightly to lengthen the front of this and accommodate the turning radius. You appear to have enough space.

Dan Simone: The only thing it may affect is a car being able to negotiate a three-point-turn specifically from Space 8. Most of the traffic is going to come from the North Bedford Road corridor. We could possibly signalize it to limit traffic.

Doug Hertz: It would seem silly to create something where you couldn't put a right turn in. I don't want to see a collision happening in the front of that driveway. It's a very tight maneuver, especially since we don't know exactly what kind of tenant is going to be in here.

Dan Simone: It is proposed general office, non-medical, i.e. architect, engineer, CPA.

Joseph Morreale: I'm curious about the front area. You show the cars turning in and coming down the road. Is that trees right now?

Dan Simone: Yes. There are four existing right along the front, and there are a lot of trees along the adjacent property with the residents.

Joseph Morreale: My concern is the way you get the site line to level everything. Does this become lawn?

Dan Simone: I didn't show low landscaping in here just for that purpose because I'm trying not to explore the site line. The trees don't obscure the site line because those branches are pretty high up. I've limited this just to lawn so the site line is un-obscured. The road starts to rise, so the site line also appreciably rises as it comes through this area. You'll notice from the site line that it stays over pavement area because there is an existing driveway here. Beyond the pavement area, this homeowner has a hedge that's right along. That's why that site line is the maximum attainable without any removal of vegetation clearing.

Joseph Morreale: So you said maximum attainable without any removal of vegetation?

Dan Simone: Correct.

Joseph Morreale: So those trees are not going to block the site line?

Dan Simone: No.

Joseph Morreale: I'm amazed.

Dan Simone: There is no low canopy to these trees. It's just the trunk.

Joseph Morreale: And you have four of them?

Dan Simone: I can take a picture for the board. It was one of the things studied in depth when the subdivision application came in. The boughs are pretty high on those trees, and other than what brush is here now, that would be taken out. The trunks themselves don't obscure the site line.

Joseph Morreale: That was a big issue when this project began. This roadway is now used even more.

Dan Simone: When the original subdivision application came in there were no stop signs on Barker.

Joseph Morreale: How many parking spaces, nine?

Dan Simone: Nine, and then there is a garage space underneath the building the way the grade drops off. This way it frees up an extra one on the outside. The building itself requires nine.

Joseph Morreale: There is one right behind the building?

Dan Simone: Yes.

Joseph Morreale: That's why I wonder why the building is as forward as it is, because the parking spot is right there. So this means if you push the building back, you may lose that parking space.

Dan Simone: We would, and then we would technically have the exact amount.

Joseph Morreale: I was equally concerned about this. I can't see how a car is going to do a U-turn and are they going to be able to see cars coming in the other direction if they swing around?

Dan Simone: The vegetation that is proposed at the entrance is pretty low; two to three foot shrubs. The trees are up a little bit further.

Joseph Morreale: And what do you expect here, accountants, professionals?

Dan Simone: It would be a normal professional office. One client may show up one day for a meeting. It would be a come and go clientele. It would probably be very low volume. It's about the same size as the law firm that is across the street. It is two stories but most of the space is on the first floor. It's about 1300 on the first floor and 900 on the second floor.

Nanette Bourne: Did you bring your elevations?

Dan Simone: I did. We went to the ARB; they were very happy with it, but they said they can't act on it until the Planning Board makes a decision first. We kept the second story under the roof line to kind of bring down the massing of the building. Most of the square footage is on the first floor. We tied stone in to match the stone wall. The size of the office itself doesn't dictate a high volume type of activity.

Ralph Vigliotti: The front of the building is showing 12 feet. Is that going to be enough for a car or a truck coming in and one going out for movement? I think this needs to be addressed.

Anthony Oliveri: The appropriate size would be nine or ten feet wide area per lane.

Dan Simone: The town code reads for fewer than 20 parking spaces, a ten-foot entrance is suitable. Anything above would require something larger.

Joseph Morreale: The configuration of this, given the wide turn coming in really makes that close.

Doug Hertz: I can see that you would definitely have a problem. You begin to pull into the driveway and another car is coming in the other direction, and you don't have enough room to stop or position yourself so a car can come out. If this is going to be a one car lane with a road, there has to be some way of making that work.

Dan Simone: I agree. There definitely has to be visibility from point A to Point B.

Ralph Vigliotti: I'm not sure a car could get in if there was a truck there. Its close for cars, but a truck might be a little different.

Anthony Oliveri: The position of the driveway was dictated by the subdivision.

Stanley Bernstein: It's a function of the elevation. It's a sharp drop from the corner of the building out to the street.

Dan Simone: The issues that were raised were the concern of having the driveway located on the inside of the bend. I personally feel site distance is better on that side because it's a straight shot up the hill. But ultimately the subdivision went through and most of the board members at that time were comfortable that this was better. I can photograph both locations if you'd like to see it again.

Stanley Bernstein: I remember a lot of elevation; its six feet or more.

Dan Simone: It drops about three feet.

Joseph Morreale: There was also the issue of putting the driveway on the curve.

Doug Hertz: For the next meeting, can we have the subdivision of this so we know what the constraints are on the site?

Ralph Vigliotti: With the installation of that additional stop sign, there is a slowing of vehicles. If there was any possibility of moving it back to the way it was originally, you would gain all green space in the front.

Dan Simone: And then you'd be coming into a much wider road.

Doug Hertz: Is there a reason, if we are going to keep the driveway the way it is instead of circling around the building this way if the building were pushed east and the driveway came straight in? I'm not sure that what you're getting is any better, and you can potentially push this this way and possibly forward and release all of this.

Dan Simone: Right now based upon the buffer requirements for the adjacent residential zone, the building has to be 30 feet off of that property line where the parking only has to be 10. When you flip them you lose all that parking.

Ralph Vigliotti: Is it worth re-exploring the shifting of the entrance now that we have that stop sign enforced?

Anthony Oliveri: I think grade-wise you can make it.

Ralph Vigliotti: Early on was the concern of the one stop sign. Now with the second stop sign, you can't gather any speed. If you're coming out, you can now see who is at that stop sign, so there is an opportunity to determine when you're going to leave the site based on the stopping of the vehicles.

Dan Simone: The circumstances have changed quite a bit since the original application.

Joseph Morreale: I think it was the owner of that home who explained to us that a lot of people went through that stop sign. This does not guarantee that people aren't coming down that hill fast. The other issue is if that is the only ingress and egress, people are going to be pulling out when people are coming around the curve.

Dan Simone: There your site distance is fine making the left in because you're looking straight up the road.

Joseph Morreale: Coming out it might be smarter to have people circle in there.

Dan Simone: The next time we come back, why don't I have a series of photographs depicting the site distances from each location and we can see what the board is more comfortable with.

Anthony Oliveri: Maybe with the two options of coming in and out.

Dan Simone: So three alternatives. We'll see if this works from the turning radii, and if we can shift the building or what have you to make that work, and we can look at this as an exclusive in and out and then we'll look at it combined.

Continuing Review:

Old Iron Warehouse Cary Place PB2005-20

**Present: Alan Pilch, Evans Associates
Neil Alexander, Cuddy and Feder**

Alan Pilch: Since the last time we were here, we made some minor modifications to the plan that included construction detail showing asphalt over the upper portion of Cary Place which will be resurfaced. The road itself is 24 feet in width. It was shifted about four feet to the east. We also provided a water service connection as requested for the last property on the east side of Cary Place and we updated the lighting plan. We show

a full lighting plan which will provide 10 foot height on the parking lights and 12 foot height on the building, all according to your new illumination guideline. Those are the changes to the property which were requested last time. We are seeking a SEQRA determine so we can reconvene, if you will, the storm water pollution prevention plan review by DEP. That storm water pollution prevention plan was submitted in February.

Nanette Bourne: As far as SEQRA issues, we need to know issues such as the tenants and a description of the warehouse building; what it is going to look like, the operation, and parking.

Neil Alexander: I don't think we know anymore. We have lost a lot of tenants over the years. It's a general warehouse building with a general warehouse use.

Nanette Bourne: I think it would be helpful for the benefit of the board to have some framework that they can put in the resolution that helps us define how it's going to be used.

Neil Alexander: Honestly, if you have some things that are of a specific concern, I'm sure right now the owner would be amenable to having those revisions.

Nanette Bourne: I would suggest that you identify the kind of tenants you're looking for and give the board the opportunity to review that as we go forward.

Whitney Singleton: By virtue of the parking, I think it can only be a warehouse use, is that right?

Neil Alexander: I think you're right. Its 8,000 square feet and we have eight parking spaces.

Whitney Singleton: There will be no outdoor storage, is that correct?

Neil Alexander: Correct.

Stanley Bernstein: Is my memory correct in saying that the original applicant is the owner?

Neil Alexander: The owner is trying to get an approval for face value of the property and is looking for tenants.

Nanette Bourne: We have looked at it before and we can add them to the December agenda.

Ralph Vigliotti: So we'll move it towards that way and put it on the agenda for next month.

Nanette Bourne: You have already declared Lead Agency so next meeting you can seek the SEQRA determination.

Correspondence:

- Planning Board Calendar 2009

Ralph Vigliotti: We can review a 2009 calendar with our calendar and put it on the agenda for adoption at the next meeting.

- Letter from Whitney Singleton to Austin Cassidy dated November 10, 2008 re Site Plan, Louis DiLisio

Whitney Singleton: Prior to our staff meeting Nancy provided us with minutes, and I thank her for doing that. The board didn't have a site plan so the board tabled it and said whatever is on the site plan is permitted and whatever is not on the site plan is not permitted, according to the minutes.

(Eduardo's)

Anthony Oliveri: I'm not sure what they're doing; if they are coming back for a change now.

Ralph Vigliotti: We gave them 60 days.

Anthony Oliveri: And the letter says null and void after 60 days, which is tomorrow. So I guess it's going to be null and void.

Doug Hertz: And there are members, of whom I am one, who stated this is it, and there won't be more.

Ralph Vigliotti: So let's enforce whatever we need to enforce.

Whitney Singleton: He has a new proposal, an application in for approval for a cigar tent.

As there was no further business, on a motion by Mr. Bernstein seconded by Dr. Morreale, the meeting was adjourned at 11:00 P.M.

Respectfully submitted,

Stanley Bernstein
Board Secretary

dm