

Minutes
Meeting of the Planning Board
Regular Work Session
Village/Town of Mount Kisco
Tuesday, July 8, 2008

Meeting called to order at 7:45 P.M. at the Municipal Building Mount Kisco, New York.

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

Members Absent: **Ralph Vigliotti**
 Joseph Morreale

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

Public Hearing:

919 Mountain Avenue Associates
133 West Main Street
PB2008-11

Present: **Ross Eatman**
 45 Hillside Avenue

Chairman Cosentino: If there is anyone from the public who would like to speak, please do so now.

Ross Eatman: As a resident and neighbor, I feel very fortunate that Bill Balter and Doug Hertz have developed the properties. From a neighbors perspective, we now have beautifully lovingly, restored houses. They have generated taxes to the town and add to the integrity of the neighborhood and improving the neighborhood. The property at 133 hasn't looked that good since I'm sure the day it was built. It's a great addition to the town. From my understanding the people developing the property have requested a variance so that they can subdivide the property and made the representation that the subdivision would entail requiring the subsequent development keep the new houses to be built at least 50 feet from the property boundaries and they would also put a limited condition requesting that the property be developed consistent with the character of the neighborhood. Frankly I think without the resources and talents of these two people and their supporting cast, this would never be happening. This has added to the neighborhood aesthetically as well as property values presumably will also be healthily maintained as a result. I think those properties and the one which the variance is requested will be ensured of maintaining a high quality for years to come. I think the developers in this case deserve real credit for taking the initiative and doing things at a level that is almost unprecedented, certainly as neighbors themselves, you can see the efforts and thought that went into it are those of people who want to improve the neighborhood and maintain the quality of it from here. I personally applaud them for their effort and hope they are rewarded with the requested variance. I'd also say that from my understanding, they would have the right to develop the property and subdivide in a different way without the provision or a request for a variance from the Zoning Board. I don't know the rules, but just having taken the initiative to try to keep the character of the neighborhood and the interest of the neighborhood, is in my view a sign of the good will and integrity of the people who created it. I would support it wholeheartedly.

Chairman Cosentino: Thank you very much. We can now close the public hearing.

Scott Blakely: I just want to clarify a couple of things. The variances were granted by the Zoning Board of Appeals at their July 1st Meeting. That was for the lot width and for the site yard setback for the use of the garage. Also, we have been discussing some of the issues regarding the storm water and Anthony and I had a discussion the other day.

Chairman Cosentino: This is public hearing. I will hear you this time, but don't do it again.

Neil Alexander: I wanted to ask when we could come back to the Board again.

Chairman Cosentino: Your client knows. Your client was well informed.

Neil Alexander: Alright, we'll move on that then.

Motion to Close Public Hearing on 919 Mountain Avenue Associates, 133 West Main Street.

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

Conceptual Application:

Atlantic Appliance of Mount Kisco
255 North Bedford Road
PB2008-19

Present:

Richard S. Zamborski, Owner Atlantic Appliance

Rich Zamborski: My name is Rich Zamborski. I am the owner of Atlantic Appliance. I am here to ask permission for a little display on the street.

Chairman Cosentino: You are asking to put barbeque grills in the front of the store. I must say if I were you, I would not have sent a picture in like this. This looks like it came from the 1950's. Even with a dead plant, no less. I don't think there is a problem of grills in the front to help your business, but you're going to have to dress it up a little bit.

Rich Zamborski: In my own defense, I wasn't around. I was away. My secretary took those in traffic.

Chairman Cosentino: I accept that. But when I saw the picture and they even left the dead plant in front of it, I lived in Mount Kisco all my life, and it doesn't look like anything changed. You are going to have to bring something in with some plantings to dress up the front of it to make it look nice. I think it will help your business, because the grills are nice but you need something to dress it up. Maybe box plantings. Just show us something different than this picture shows. Have you read the building inspectors memo? Here is an extra copy. Read the bottom paragraph. Do my fellow Planning Board members have something to add to that? You need to come back with some pictures to show how you are going to beautify the front with a landscape plan.

Vice Chairman Sturniolo: At times there are cars parked in the front and there are blacktopped wheel stops that are there. I don't understand you're going to have a parking space and at times an outdoor display area at the same time. To me, I wouldn't want to be looking inside the third burner in a Weber grill, and a truck or car coming into park. It seems one or the other.

Rich Zamborski: The grills are under a recess under the awning. It has nothing to do with the parking area. That is considered a driveway. I believe those are not set parking spots. Parking is in the back of the building and along the sides. People park there all the time, but the display is not where they are parking. It's probably an eight foot recess back into the building where cars cannot even get to. The awning stops four feet away from the building. Besides half of the awning there is another six or eight feet which is right alongside the building, and we put them right alongside the building.

Vice Chairman Sturniolo: What is going to be out there when the barbeque seasons ends?

Rich Zamborski: Nothing. That's all we ever do. We've done that for umpteen years and depending on the weather, May, June through September first and that's it.

Vice Chairman Sturniolo: So am I correct that prior to coming here tonight with this conceptual idea of looking at barbeque grills in the front, you've already been displaying them?

Rich Zamborski: Yes, but once somebody from the Town came we stopped.

Vice Chairman Sturniolo: You received a violation notice?

Rich Zamborski: Yes.

Chairman Cosentino: How many grills are you going to have out there?

Rich Zamborski: Normally we have one or two and on Saturday maybe three. That would be the most.

Chairman Cosentino: I guess that car stop should be taken away then.

Rich Zamborski: Car stops?

Vice Chairman Sturniolo: The blacktop wheel stops.

Rich Zamborski: Those are speed bumps because people use that building as a turn around and there should be a no U-turn sign there. Everybody pulling out of Burger King turns around in our parking lot. 99% of the cars you see going through there are people just turning around and going back the other way.

Vice Chairman Sturniolo: But out of Burger King you can either make a left or a right.

Rich Zamborski: Believe me, I know that. The landlord put speed bumps in there because people were flying through there and turning around constantly.

Vice Chairman Sturniolo: But it makes more sense to be so concerned about it because you have people looking at a grill and you're going to have cars flying in front of you.

Rich Zamborski: But there is more than space between me and you between those areas.

Chairman Cosentino: We'll take a look at it. We will put you back on another agenda then.

Rich Zamborski: Thank you very much.

Conceptual Application:

**Crossroads Plaza, Inc.
639-657 East Main Street
PB2008-15**

Present:

**David Cooper, Esq., Zarin & Steinmetz, Attorneys at Law
Representing Crossroads Plaza, Inc.**

Richard Cohen, Owner

**Jon Dahlgren, Tim Miller Associates
James Garofalo, Tim Miller Associates**

David Cooper: We're here tonight for a conceptual review for a Change of Use permit for the application relating to the property on East Main Street. If the Board will permit me, I want to give you a brief history of the property. There was an application for Site Plan Review submitted to your board back in the mid '90's, to use this property for a retail use. There is a 23,000 square foot building on the site. The application went through a vigorous review, about a five year review, where your board looked into many issues; traffic, parking, of course the primary of them. During that five year review, many issues were studied and consultants talked to you about parking. The site was studied to manage retail traffic. In June of 1998 a resolution was passed by the Board approving the site plan with the condition that 119 parking spaces are provided for retail use.

Chairman Cosentino: Yes, you have retail and medical.

David Cooper: The 1998 approval was for retail.

Chairman Cosentino: Right, but now you happen to have a medical unit in there too, which brings the count up.

David Cooper: We can get into the terms of the specific uses, but various tenants have been leasing space. UBS Bank was leasing a certain portion of this building. The UBS Bank lease has terminated and they have vacated the premises to bring you up to date, along with Cozy Corner which is another retail store.

Chairman Cosentino: UBS was office use determined by the Building Inspector.

David Cooper: That's correct, and that's really what brings us here today. What our clients are seeking to do is to be able to market the space to retail users and say we have all of our approvals in place. We spoke to the Building Inspector who indicated that the switch from the UBS to the retail space would be from office to retail, and so the parking requirements would be moved up, that triggers a statute, that's why we are here tonight with our Conceptual Application for a Change of Use Permit. Right now the portion that we're looking at will be leased to a general retail tenant. There are still 119 spaces at the location. That is not going to change. The general type of use is not going to change. The retail tenant, of course will be using the space. No lease is imminent at this point. We want to preserve our options in terms of what type of retail will go in. Walgreen's is certainly one option. They've expressed some interest, but no lease has been signed. We want to make clear to the Board that what we are looking for is general retail to use in that space. Clearly we see that one of the largest issues of course is going to be parking. It was back during the five year review process and we know it will be. My clients have hired Tim Miller & Associates to do a parking analysis, to look at the site with the actual use as well as the approved demand to see if retail would be an appropriate use. I want to highlight the findings for the Board. First this lot for the 119 space requirement in the code is calibrated for the highest demand. Back when the review went through it was determined that that was more than sufficient for this area. That is not going to change with general retail tenant that is going to come in.

Chairman Cosentino: Except for the medical. Medical has a larger count, am I right Nanette?

Nanette Bourne: Yes.

David Cooper: Also, we have done an actual demand study which includes the medical at this point. That demand shows that there are ample spaces for any retail use.

Vice Chairman Sturniolo: It shows that there are ample parking any retail use, be it a Walgreen's or something else?

David Cooper: That's correct. Remember the 119 spaces, as I said is a threshold issue. That was calibrated for the highest demand.

Chairman Cosentino: You're at one space at 150 square feet. Medical is more.

David Cooper: Well, there is one space for 150 square feet for the first 10,000 square feet.

Nanette Bourne: It's one space for 150 for the first 10,000 and then one space for 200 square feet over 10,000, and that's strictly for retail. For medical it's one to 150, so it's a slightly greater parking.

David Cooper: Even so, what we're saying is the studies that we've done which includes the medical use right now are showing that there is ample space for both. At this point, what we'd like to do is turn it over to the Board to see what issues you'd like to discuss.

Chairman Cosentino: You made a statement which I like, by the way, to the effect that Walgreen's is not signed up, there is no lease, you just want to get retail in there, and I guess if any retail store came, you would consider it. Have you considered some kind of grocery chain store, something like that, that would be good for the Village? I think maybe something like that could be good for the area and for the Village.

David Cooper: Definitely there have been grocery stores approached for the location. That was something that occurred to us when we realized we were going to have a vacant space, because we wanted to minimize the amount of down time for that space.

They were approached and there have been some discussions. As far as anything beyond discussions, it never really got anywhere. I think the reaction that we got from a lot of the grocery stores was that the space was too small for their purposes. From a business perspective, grocery stores like a little larger spaces because their margins are lower than let's say like a drugstore. They can handle a smaller space with fewer products on the shelves and still be profitable. If you look today, for example, what used to be supermarkets are now drug stores, and supermarkets have grown in size. If you look at an A & P, that's an example of a modern grocery store, compared to where the Grand Union used to be, which is a CVS now. That is how the market is changed.

Chairman Cosentino: So anyone that either approached you or you approached them, the space was too small to accommodate any kind of a grocery store?

David Cooper: Unfortunately, yes. That was the case.

Chairman Cosentino: Too bad, because it would have fit right in there. There are some problems in that area. It's a growing area, as you know. If you look across the street, unfortunately, if you go there 12:00 noon on, it's very difficult to find a parking space and I don't have to tell you what's happening. They're coming across the street and using your parking facility. That's not a good thing, but that's what they do. The second thing, there are some serious issues brought up in Austin's memo that we're going to have to address because of that growing area. Also, is Walgreen's going to be the same as the other Walgreen stores? Are they going to be selling the same things they sell in the other Walgreen stores? Are they going to sell beer there?

David Cooper: Again, there is no agreement set in place for Walgreen's.

Chairman Cosentino: You are addressing it here and that's what we need to address. We are going to be concentrating on a Walgreen's because that's what's in your application. Your application states a Change of Use Permit to Allow Walgreen's or Another Retail. Retail somewhat like Walgreen's but it's large because you're taking the two stores. You're showing the footage in here. We have to consider both stores that have moved out, UBS and Cozy Corner as one unit, large enough to accommodate a Walgreen's, or something to that effect. Walgreen's is heavy traffic. They don't only sell drugs. It's like CVS. You can see the parking that CVS has compared to what you have here, and both of them have to be considered heavy traffic businesses.

Edward Cohen: It's interesting that you bring that up; because I subscribe to a retail newsletter regarding chain stores that people in the industry look to for new information. Just in the last week or so, it's come out that Walgreen's is looking to open up smaller stores as their new growth in the United States. I am imagining that this would be one of those types of stores. Historically speaking, Walgreen's takes up around 15,000 square foot footprints. This store is significantly less than that. It's about 8,500 square feet give or take. I haven't heard this directly but it's my conjecture that Walgreen's is looking for it's new concept in this location where it would have a smaller store with less products on the shelves and more geared towards an offering that they believe is acceptable for this neighborhood rather than just having a huge smattering of products.

Vice Chairman Sturniolo: What is an offering acceptable to this neighborhood mean?

Edward Cohen: I think the point of the article was they felt they had too many product choices in their other stores and they were confusing their customers with them, and they want to limit their product counts. They feel this will help them improve their sales.

Vice Chairman Sturniolo: How does that tie in to the statement you just made about the neighborhood? Limiting in product, I can see if you have a variety of toothpaste, but how does that address the word neighborhood?

Edward Cohen: Maybe I misspoke. I think the point was that if they are a retailer, the logical thing to do would be to look at an area and try to put products on the shelves that they felt would appeal to the customers in those areas. Whatever that may be. For example, if they know the demographics in one neighborhood would like a certain shampoo, they'll put that shampoo on the shelf. They won't have the shampoo here that would appeal to somewhere in a more urban location let's say. I think that is their logic. They were wasting shelf space by having things that wouldn't appeal to the particular customers in the area because they had a generic store footprint.

Vice Chairman Sturniolo: Without putting words in your mouth, are you saying that the product on the shelves at Walgreen's will be geared toward the neighborhood and the anticipated customers that they think would be coming in to that store?

Edward Cohen: I think if you were opening a store that would be your intention as well. Anyone opening a store would want to try to appeal to the people they think they are going to be selling to. If I may just also say, I think the intention is that we be considered by the Board on a stand alone basis. I know that you brought up the idea of the surrounding properties, but the way we look at it, we are a property that is really locked on all sides by roads. We don't have any neighbors other than a roadway.

Chairman Cosentino: Yes, but our job is to consider the area as a whole. What traffic you are going to bring in to complicate matters on our main roads. The mitigation is very important to us in the surrounding area. So just because you have something there with a low car count, now you're bringing in something with a large car count, we have to consider other areas. That's a must.

David Cooper: If I can bring it back so we can understand what you would want for the formal application.

Vice Chairman Sturniolo: What is the name of the newsletter you subscribe to?

Edward Cohen: It slipped my mind. Can I give you the copy of the letter? It's an internet publication.

Vice Chairman Sturniolo: Sure.

David Cooper: I think what we're hearing from the Board what you're looking for is an analysis of the parking demand and the ability of this site to handle a Walgreen's type and style store in this area, and the traffic that would be generated from that type of store, and whether the spaces that are on the site right now, 119 spaces, would be able to handle that.

Chairman Cosentino: We'll decide that. We'll have some answers for you when you come back, but right now we don't have any answers. This is all new. But keep in mind that we are going to consider the area and what mitigation it's going to have on it.

Vice Chairman Sturniolo: To pick up on your theme about the area and traffic patterns, maybe my fellow Board members should talk to the Village Board about getting an area site plan developed that includes not only this application but the unknown question mark across the street at the former Head Connection, and some of the other vacant stores in and around Armonk Road and look at this from a global point of view and addressing the points you raised about the traffic and impacts. I think an aerial site plan may be very, very useful for the Village as we look at the big picture.

Nanette Bourne: I have two comments. One is I think Mr. Cooper is right about the parking study, but I think it's a little more complicated than what he's describing because I think it needs to take into account the 23,000 square feet that is on site and do a parking accumulation study for them. What you are going to have to do is find a comparable Walgreen's, because you are not going to be able to collect real time data from the site because it doesn't exist. Also the Ben & Jerry's that's on the site that shares parking with you, and you have an agreement with an adjacent property owner, so you need to include in your parking study all of those factors that will be utilizing your parking lot. The second point is the aerial site plan that sits in a part of the Village that has a high degree of uncertainty right now. Not only 8,000 square feet vacant on this site, but there is a lot of other vacancies. Just how that traffic is going to circulate, where it's going to park, how it's going to accumulate? This Board has spent a lot of time looking at Armonk Road trying to figure out how to make improvements to what you all consider a potentially hazardous intersection. It's not necessarily your fault, you happen to be in the middle of it.

David Cooper: If I can address just one point on the agreement, those agreements were temporary and had expiration dates.

Chairman Cosentino: No they weren't.

Edward Cohen: They had expiration dates. They expired.

Chairman Cosentino: Do you know about that Whitney? I didn't know about a temporary. I was on the Board at the time.

Nanette Bourne: Your letter says you have the resolution attached, but it's not part of here.

David Cooper: I have a copy for you.

Nanette Bourne: Didn't the resolutions address those parking spaces?

David Cooper: I don't want a conjecture on that issue, but in terms of an agreement with the neighborhood use of spaces, those agreements terminated and there is no agreement.

Whitney Singleton: The Deed which was conveyed to Mr. Cohen as part of an acquisition of this property and the development of this property had deed restrictions on it. Parking spaces that fell in this particular area would generally be available to other property owners within the vicinity. They were not dedicated solely to the uses on the site. That was a condition of the conveyance. To my recollection it had no temporal notes to it at all.

Chairman Cosentino: And I don't remember it, and I was on the Board then.

Whitney Singleton: They may be talking about private agreements they had with adjoining property owners.

Edward Cohen: I think that's actually correct. I think the particular spaces in question that were on that strip of property that was acquired were on a first come, first serve basis. The point is also that the resolution was approved for retail use with that in place.

Whitney Singleton: I'm not saying it wasn't.

Chairman Cosentino: Because there was no restriction on Park Avenue.

Whitney Singleton: It's a recorded document and we'll get the recorded document. I have two further comments. If, as Mr. Cohen pointed out, it's going to come back with an 8,500 square foot Walgreen's, that will trigger a Special Use Permit Application for your board and additionally if you can just verify, I'm not saying it hasn't been approved, is the parking inclusive or not inclusive of Ben & Jerry's? When you submit it formally make sure that's included. I also want to confirm that as part of this application there's not going to be a drive thru, correct?

Edward Cohen: No. This application is only to be approved for retail use.

Chairman Cosentino: When we see an application and we see Walgreen's on it, or others, we consider Walgreen's as part of the application. So you're saying leave Walgreen's out of it?

Edward Cohen: Yes, because the idea was that if we want to have a retail use there is not a lease in place. We're not married to them at this point, and we have to keep the options open. We can't attract anyone to the space until we have the retail use in place.

Chairman Cosentino: Nanette, do we need another application leaving Walgreen's out? The application is for Walgreen's or others. It's a cloud. I would rather see it just for the retail and let him come in with something.

Nanette Bourne: You're right. It doesn't make any sense to do a study of Walgreen's traffic if it's not going to be there.

Edward Cohen: The idea was that parking was going to be the issue.

Chairman Cosentino: I'm asking for another application leaving Walgreen's off and just retail. Void this one out. I want to work just with retail, not somebody else that might come in, because during the application I'm going to be considering Walgreen's.

Edward Cohen: In the event that Walgreen's does decide to take the space and it's been approved for retail that would obviously fall within retail.

Chairman Cosentino: We'll work on it, yes. But I'm not going to work on retail not knowing what is going in there.

Whitney Singleton: If they're going to come in with a use that is going to require a special use permit, they have to come back to you anyway. The concept of the Special Use Permit is that it has certain issues attended with a specific focus and attention of your board in accordance with the special permit regulations of the code.

Chairman Cosentino: If we decide to give you retail, whatever you put in here, you're going to have to come back with a special use permit anyway.

Doug Hertz: Why does he need a Special Use Permit?

Whitney Singleton: Because of the size, 8,000 square feet. It depends on the use though. Different uses have different triggers. Any retail use in excess of 8,000 square feet triggers it.

Doug Hertz: So we are suggesting that they come back with a formal application and a Special Use Permit simultaneously?

Chairman Cosentino: They can come back with the same application. They're only going to drop Walgreen's out of it. It's just going to be for retail.

Nanette Bourne: I think the question is should they come back with a formal application that works these things out or come back with a conceptual so they can get your reaction to it?

Chairman Cosentino: For a conceptual I would want to know what is going to go there.

Whitney Singleton: Or theoretically they could say we are going to break up the space for four tenants, general retail, and none of them are going to have 8,000 square feet. I think they need to establish what they want to come forward with. That's the best way to leave it. Have them confer with Nanette before applying formally.

Nanette Bourne: The Board is trying to give you some feedback on a use that is not known. They are struggling to tell you something that forms how you move forward, but you're not giving them anything to hold onto.

David Cooper: Part of the problem is without the ability to say a potential tenant; it's very tough to market this space. So what we are proposing to do and have done with our traffic analysis already is to study for the worst case scenario. The type of retail that would generate the largest use and make sure that the spaces on site at this moment are more than enough to accommodate that use. That I think is a much more reasonable way to go about doing it. Only because you are tying our hands behind our back without saying you have to find a tenant first.

Nanette Bourne: Do you realize that you're tying your own hands behind your back by going over the 8,000 square feet by your special permit, and I don't think that was your intention.

Vice Chairman Sturniolo: The chairman will be back in a moment, and we need to wind this conversation down. Mr. Cohen, if you want to add a couple of quick thoughts, please do.

Richard Cohen: The status right now is very, very difficult for us. We are frozen in place wanting to go back to the retail status that was conferred to us by the Planning Board not long ago, and our objective is to get to that as soon as possible. Everyday that is delayed we have tremendous financial loss. We want to avert that. So maybe the best solution is to grant us the opportunity to go back to retail the way it was before, and by the way, we thought that UBS as a bank was considered to be a retail operation. They had a counter; they had people walking in off the street. They weren't selling products, but they were selling securities. What we would like to see here is to help us prevent this major loss that is occurring, loss of rent, allow us to rent it as a retail space the way it is and then if we make progress with Walgreen's we will come in with a special request for a special permit if it's going beyond 8,000 square feet.

Chairman Cosentino: The Building Inspector has already determined that this was office space and not retail, so how could we give you something back which he determined as office?

David Cooper: I think what we're saying is the same thing. If we get an approval for a Change of Use Permit, showing and proving that worst case scenario on this site the parking is going to accommodate the demand, then after that approval...

Chairman Cosentino: The demand to what?

David Cooper: To a general retail.

Nanette Bourne: This should be less than 8,000 square feet.

David Cooper: Yes, then, if and when that occurs; that we find a tenant who wants to use more than 8,000 square feet of course we have to come back and get a special permit. But at this point, you're requiring us to do both things at the same time, it's very difficult.

Nanette Bourne: That's what the Chairman is asking you to do. Withdraw your Walgreen's application.

Richard Cohen: Mr. Chairman, I have a Certificate of Occupancy in hand for the building that describes the entire building for retail use.

Chairman Cosentino: But you didn't use it as that. You used it as office.

Edward Cohen: That's a gray area.

Chairman Cosentino: I have to go by the Building Inspector.

Edward Cohen: But the tenant was paying a retail rent. The tenant is a sophisticated organization and knows what he's doing.

Chairman Cosentino: I'm trying to say this as clearly as possible. The Building Inspector in the Village of Mount Kisco has determined that the space is office space, not retail. Until we change that, which could be done, it's office. Nothing else. His determination is office. This Board has to go by that determination. You should know that.

Whitney Singleton: Yes, you were originally approved with 100 percent retail. I don't know whether there's been a change in the parking requirement or not that would trigger higher parking. That is one of the things you may or may not need to look at. But with regard to a bank, a bank is separate identified use in our code because of parking requirements. Part Two, the amount of rents that UBS was paying or whoever was paying it that is irrelevant. The only thing that is relevant here is the use that has been occurring and I would presume that when the space was re-tenant-ed, on other uses and refitted for those uses, than Mr. Cassidy issued Certificate of Occupancy consistent with those uses. That superceded any prior Certificates of Occupancy. I don't think your issues here are as bad or as insurmountable as you think that they may be. If you want to come back with commercial uses you have to be able to demonstrate that you can satisfy the parking requirement for those square footages on the aggregate of the entire site plan. There will be no Special Use Permit triggered for any application unless and until you propose a tenant which has a square footage threshold which exceeds the code.

Stanley Bernstein: It seems as if we are bouncing around here. This really begs for an area site plan. It has to be studied in more detail than we're studying. If he's not doing a change of use, there is nothing we can do, but if he wants to maximize his property, I think this absolutely calls for a site plan review to see where we are.

Nanette Bourne: Mr. Chairman Do you want something to go to the Village Board about an aerial site plan?

Chairman Cosentino: Yes. The Vice Chair brought it up and I think it's good. If in fact a change of use is going to be given to them and a large retailer is going to come in.

Richard Cohen: So just to summarize, the process is the first step is to take Walgreen's out and if there is a tenant in excess of 8,000 it will be a different application.

Chairman Cosentino: Right.

Richard Cohen: Thank you.

Conceptual Application:

CVS

**Caremark Corporation
421 Main Street
10 South Bedford Road
PB2008-17**

**Present: Neil Alexander
Shannon Rutherford,
Tim Henry, Larson Design
John Ritacco, Bank President Community Mutual
Doug Murray, Developer of the site for CVS (vendor to CVS)**

Neil Alexander: I think Austin did a great job of summarizing a lot of what we are looking to address now that the store is open on the intersection of Route 117 and 172. As you know, it has been bank retail combination for over four decades, CVS has re-tenant-ed the space that was once Grand Union, and then Stop and Shop and CVS is open for business in there currently. They are looking to upgrade the facades, put in rear entrance and also upgrade that and create a façade presence for there. As you know, there is a fair amount of property to the south towards Leonard Park that is under utilized today. The bank is also looking to come in as a tenant. Before they filed for building permits, we wanted to let you know about them and their interest in moving forward with the Building Department as part of the amended site plan approval. Tim will now go over some of the aesthetic improvements from the four different facades and Shannon will go over some of the site changes and improvement, i.e., storm water, vehicular circulation, pedestrian circulation and the like.

Tim Henry: The existing building now has a mansard roof that runs from end to end across the entire front and this is enclosed, also from end to end with the doors on either end of the store. We're proposing to remove part of the vestibule on both ends and build a gabled roof over the top of the front entry areas keeping both entrances on the ends, but it would be actually smaller.

Vice Chairman Sturniolo: What is the date on that drawing?

Tim Henry: July 7, 2008.

Vice Chairman Sturniolo: Thank you.

Tim Henry: The front glass that is there now is going to remain. We were going to wrap the existing brick pillars in wood pilasters across the front and also have wood framing along the entire top with columns on the ends to blend in with the entire front of the building as some of them are in bad shape. The columns on this end would be re-wrapped to match the other columns across the rest of the existing building. This would be the bank side of the building and we would be removing the existing gables that are above these windows that are in poor shape. Basically on this side of the building we are repairing and painting. There is a band along the bottom that is in poor shape that is going to be removed and replaced and painted to match the existing building. On the rear of the building we are proposing an entrance from the rear of the building into the store due to the amount of parking that is on the rear of the lot. The existing loading dock area would be slightly reconfigured for the truck to come in at an angle rather than the existing truck entrance which is there now which is at a 90 degree angle to the building perpendicular. The compactor area that also is existing there we propose to remove and relocate to another smaller compactor area somewhere else on the site. The other side of the building is being patched and repainted to match the existing material that is there now.

Stanley Bernstein: With all these changes and updates, we're going to leave the west ... the way it is? This is the entrance to Mount Kisco. This has to look like something.

Chairman Cosentino: That's up to the ARB. Good question.

Stanley Bernstein: We ought to present something to the ARB on this.

Chairman Cosentino: We intend to. Opening up the back is a plus with lights, etc., because you'll be utilizing more parking in the back than you will in the front. But I think besides what the ARB has to do when you talk to them, I think you have to address the radius on the egress and ingress that the Building Inspector wrote in the memo here. Those are important to us. Are shopping carts going to be allowed to be taken out?

Shannon Rutherford: They are permitted to be removed from the store, but CVS typically does not have cart corrals within their parking area. They are brought back to the front of the store. There are areas right at the front vestibule to store those shopping carts.

Chairman Cosentino: Certainly people aren't going to bring them back. You may want to have a shopping cart corral outside.

Shannon Rutherford: Our intent had been to take the ones that were there for the supermarket and transition those over to landscape islands. We'll talk to CVS and see if they are in agreement.

Chairman Cosentino: There is no drive through, right?

Shannon Rutherford: No sir, it's being removed.

Chairman Cosentino: You're going to have to show where you are going to pile the snow in the winter. On the dumpster itself, we need to know what kind of pad it's going to have underneath it wherever it goes. The Building Inspector may want drainage on that.

Shannon Rutherford: Absolutely. I have the site plan here that matches the plan that was submitted as part of our application. Right now there is an existing drive thru on the east side of the building. The drive thru is going to come off and we are going to push the parking up against the building along with a sidewalk. So you'll have the building face, five foot sidewalk and then our parking spaces. We've accommodated some ADA parking that is now compliant dimensionally and from a grading standpoint with the sidewalk right up against the building, and then they can use that sidewalk to traverse to the front of the store where the entrance is both for the bank and the pharmacy. That sidewalk also comes all the way back down to the rear parking as well with ADA ramps to provide access to this parking over here and access to the parking to the rear of the site. You'll note we have provided one ADA space at the rear of the site should an individual chosen to park it at the rear. In addition, the rear entrance, which is located here from a site plan standpoint, internal to the store, there is a chair lift so again, should a patron need that provision it is available to them to use either the front or rear entrance. We also are providing ADA spaces on the left side of the building. Again, some re-grading is associated with that. You will note the sidewalk is there existing along that side of the building. That will be maintained with the appropriate access from the ADA space onto the sidewalk and then into the front of the store as well. As Tim mentioned, the loading docks at the rear of the site are going to be demolished. Right now they are all perpendicular to the building with the trucks backing straight in and in essence block the circulation around the building. CVS does not have a need for three loading docks, so we have consolidated it to one, put it at the angle so we can have a truck parked here and still allow complete circulation of the building. It's beneficial for our customers, and it's beneficial from a safety standpoint. We also then, taking into account that we are going to have a rear entrance, and there is a potential that there could be a truck there at the same time, have tried to buffer and frame that rear entrance with some landscaping, some lower lying shrubs around that rear entrance. There had been a compactor at the rear of the building. That has since then been removed. There are two dumpsters there now. We will have a vertical compactor and a dumpster provided here. It will be a concrete pad that those are secured to. It will be graded to pitch back into the parking area so any runoff from that will be collected within the closed drainage system that is already there. There will be some minor improvements to the drainage system, particularly to the rear of the site. It's old. It needs some improvements. Some of the catch basins are in disrepair, so new basins will be installed as part of the work. The pavement in general will be milled, resurfaced and overlaid and re-stripped, compliant with the 9.5 and 18.5 parking stall sizes, 24 foot drive aisles. We will re-visit the cart corrals based on Mr. Cassidy's comments. Some of these landscape islands that you see here at the front had been cart corrals. We will consider putting those back to cart corrals so there is adequate location to house the shopping carts within the parking field. We will look at providing the same amenity at the rear of the site. You will note that we are over-parked by approximately 15 parking spaces. From snow storage standpoint there is certainly room. From a perimeter standpoint, the intent was to clean up some of this existing triage and provide maybe a five foot grass strip, so there will be plenty of snow storage along the edge as well as the extra parking spaces we can use in the wintertime. Obviously we will utilize the spaces towards the rear of the site for snow storage. The curb radii that I believe Mr. Cassidy is referring to mentions to better accommodate eastbound vehicles, so we can open this up. Our office will work with Anthony's office on that. We have also conversed regarding storm drainage. The fire lane is accommodated here at the front of

the store. Our intent is not to change the travel pattern at the front of the store. Obviously it will be re-stripped, milled and repaved, but the travel pattern will remain the same. If we need to we can stripe out a fire lane. We can work the signs that are posted in the front of the building into the façade and make sure that those are posted appropriately and work with the engineering department and fire marshal as needed; assuming that they are happy and satisfied with the dimensions that are provided now we will not change them. We will actually be improving the access towards the rear of the building and up the side of the building with the removal of the drive thru and the drive thru lane. We will be able to provide a full driveway width as you head north towards the exit to South Bedford Road. We understand there is an existing photometric lighting code in place and that the Board is considering adopting a new code, so we have had our lighting consultant working with that, admittedly with some challenge due to the fact of the nature and configuration of the existing site and the parking spaces so close to the property line and providing sufficient lighting in this area to meet our minimum safety standards, our min/max requirements, but at the same time not having to spill over on the property line exceeding the .5 foot candle. We are having some challenges with that and have gone to a second consultant to see if they have any other suggestions for us. It would definitely be a topic of conversations in future meetings as to how we address this, if we can come within complete conformance with the current code understanding that whatever we provide would certainly be better than what is out there today.

Chairman Cosentino: Will you have cameras on the rear of the building for security purposes?

Doug Murray: We have security cameras in the building. There is usually one pointed at the door. It's located inside looking at the door.

Chairman Cosentino: We'd like to have a camera on the outside parking area for security and possibly one in the front, because you're opened 24 hours.

Stanley Bernstein: Are you aware there is a wetland in the back landscaped area? It's not delineated. And the paving on the north side is in a wetland buffer. That was done many years ago. Have you been in touch with DEP?

Neil Alexander: We have not been in touch with DEP yet. We wanted to have our concept meeting with you.

Stanley Bernstein: Just be aware you've got a nice wetland over there which extends into the west and over to the east in that triangular portion. It's been degraded over the years, but nonetheless it's there.

Shannon Rutherford: From a site standpoint, that's all we have. We welcome any additional comments or feedback. We are in a position to submit a formal application towards the end of the month and be on the agenda for the August meeting.

Vice Chairman Sturniolo: I find it very confusing to understand what is existing and what is proposed on the plans that were submitted. I'd love to see some kind of an acetate overlay that shows existing and proposed, including storm water prevention, wetlands, parking, new dumpster location, and site lighting. The submission is very difficult to follow. Also, C-6; is this proposed or is this work that you've already done?

Shannon Rutherford: Those are proposed that go with the plan that was submitted.

Vice Chairman Sturniolo: The Planning Board policy is all concrete curbing, poured in place, not pre-cast. Also, has CVS or any members of the team ever represented to the Village of Mount Kisco officials that beer and the fact that the store is open 24 hours a day will not take place?

Neil Alexander: I think we should have that one off-line. The mayor has been approached about that issue. We are aware of that issue, and to be candid, it's a little fuzzy. I think there was a discussion about product mix. We are trying to speak with the mayor and the Village Board of Trustees and obviously we will dialogue with you on that as this goes forward about that subject. We are sensitive and aware of that concern and are trying to work on a policy that will satisfy everyone.

Vice Chairman Sturniolo: Why not just pull the beer sales and 24 hour sign away? You're in front of the Planning Board now. We're looking at this entire site, not just this little bit. Once the site comes under review of the Planning Board its wide open. Every

aspect on this site is going to be scrutinized over and above what you're talking about tonight.

Neil Alexander: I think the 24 hours is not really something that we would like to see on the table for discussion. The beer and wine as a product mix; I don't want to step on the wrong toes here. We've made a very informal suggestion, we welcome a dialogue. I know it's a paramount issue and one we're going to have to address fully in order to get the application through. But by the same token, I'd like to hear some more from the Village back on that issue.

Vice Chairman Sturniolo: Please find out for us if any other CVS stores in Westchester County sell beer, and are they opened 24 hours at day as well?

Shannon Rutherford: There will be other stores in Westchester County that are opened 24 hours.

Neil Alexander: That is something that we are going to have to get back to you on that. We are very aware that that issue needs to be addressed and we will come back with something.

Vice Chairman Sturniolo: You made a statement about attempting to comply to the newly proposed lighting standards of Mount Kisco as best you can, and I think you couched it by saying there may be some areas that we may not be able to comply to. (Vice Chairman Sturniolo then read a list of 17 businesses in Mount Kisco which have complied with the newly proposed lighting standards) All these businesses managed to comply with the newly proposed lighting standards. I for one see no reason why you should have any doubt or ambiguity in your mind that you can't comply with the new lighting standards.

Shannon Rutherford: I understand what you're saying. As a civil engineer, I can understand the regulations. I read the regulations and I handed them off to a lighting vendor. I don't do photo metrics plans.

Vice Chairman Sturniolo: I am addressing the statement that you may not be able to comply. These folks managed to comply easily.

Shannon Rutherford: You don't buy it, and I certainly respect that.

Neil Alexander: Just so you understand why we are having a particular challenge. As you know the property pushes right up... especially with the angle curve right by the intersection of 117. That is one of the spots that are more challenging because the retaining wall is essentially right there on the property line, so how do you light that parking stall where the person's car is parked and not spill over onto the sidewalk and the road? It's a definite challenge and we're working on trying to figure out how to do it so that the front third of the cars... it's very dark where you get into your car if you park head in. Just to give you a sense, we are working on it, and we're going to try and get there and we sure as heck know we're going to have to have one incredible explanation if we don't get there. But, just to give you a sense, that is part of the unique challenge of this site. Some of those other sites are bigger and had different challenges where they had to do more light poles, for example 333, in order to meet the code because when they went up higher they got too much splash. A few others of those sites all had different challenges. Our challenge is the lower corner, which is unique because of the head in parking right up against the property line because of the historic aspect of the site. We already got rid of the first lighting consultant and called in a second lighting consultant. We want to comply.

Shannon Rutherford: So I can understand and help direct the consultant, the preference is to lean toward the new regulations?

Vice Chairman Sturniolo: Yes. The newly proposed lighting regulations.

Shannon Rutherford: The proposed is not officially adopted as of yet?

Vice Chairman Sturniolo: It's in the process and those 17 sites have managed to comply. The whole site is wide open for total review and scrutiny at this point.

Shannon Rutherford: Understood.

Nanette Bourne: I share the delight with the Planning Board that you all are back because we spent some time talking with them about the importance of their site and just to underscore what the Planning Board has said you will be required to comply with

all of the elements for the GR district. You have some additional challenges in addition to your lighting, and you will either be faced with meeting those challenges or getting a variance or doing something that allows you to comply. We have eagerly awaited improvement to this site. Look at the GR district. Look at all of the dimensional requirements. The landscaping plan will be extremely important and the gateway element. The Planning Board has been working very hard with your neighbor across the street, the hospital. What the hospital has interpreted and so therefore the Planning Board wants the landscape to be Wow. We don't expect any less of this. We need a very serious landscape plan.

Whitney Singleton: This application is going to go down a path where it is long overdue for site improvements and site compliance. I know that your board is going to want to address those issues. I think it's very important and incumbent upon the Board to, when this application comes in on a formal basis, for you to look at and submit to your staff to identify all of those issues; whether their buffer issues, setback issues, parking requirements, lighting, anything. Those should all be identified.

Anthony Oliveri: I would also echo actually what Stan said about going to DEP and getting some feedback in terms of wetland areas that may be to the south, and also I would point out that we have a review here from the Building Inspector, but dimensional zoning issues were not addressed in that review. Someone needs to do that.

Chairman Cosentino: I want to say you guys should have been here a long time ago to get this work done. So, whatever time it takes to do it and do it right, it relies on you.

Neil Alexander: The bank did come here tonight to let you know they will be part of the process. I want to introduce them tonight. Community Mutual Savings Bank will be a tenant and filing obviously within Austin's purview for interior work shortly as the amended process goes forward.

Chairman Cosentino: Keep in mind that we are going to be contacting the ARB regarding the sides where you say you are going to paint if we think it needs to look like something else. The building is an entrance to the Village and we think it should have something more there than just paint.

Whitney Singleton: ARB is going to become part of your site plan?

Neil Alexander: We were hoping that they were going to be able to file for their building permits for interior work and since the drive thru has to come down, I don't know how you would prefer to handle it, whether they would be integrated in or not. We just wanted to bring them here and let everybody know about them and that they would be looking to do within what is permissible interior work.

Chairman Cosentino: Are the improvements on the bank on the site plan that you're showing here? If they're not they should be.

Neil Alexander: It's on the elevation.

Shannon Rutherford: Yes, the drive thru is shown being removed and the parking right up against the face of the building.

Chairman Cosentino: They don't have any less space or any more space than the other bank?

Shannon Rutherford: Correct.

Whitney Singleton: The reason I raised it, is because it's a separate block. It has been, for practical purposes, married to this lot, but not officially. So theoretically it can be sold off.

Neil Alexander: I have to look at title on that. I've seen the tax lot map.

Whitney Singleton: It's a very narrow, skinny block that can have severe implications on the site plan.

Chairman Cosentino: But the same person who owns CVS owns that lot now, but it is still a separate lot?

Neil Alexander: My understanding is it's all one ownership, several tax lots. It's been in the same ownership forever. CVS has the lease and then the bank sublets to CVS.

Chairman Cosentino: You need to work with Whitney on that one, and we need to know that.

Anthony Oliveri: We will do a full site plan review.

Chairman Cosentino: And we will put you back on the agenda for August.

Doug Hertz: I assume when you have formal plans we are going to see what's existing and what's proposed.

Shannon Rutherford: Yes, with the existing conditions with the intent then that the balance of the site plan showed a proposed work that's intended for that. Obviously we will take a look at that and see if we can rework that so it's a little more straightforward for the Board's use and understanding.

Conceptual Application:

**The Premier Collection (BMW)
250 Kisco Avenue
PB2008-18**

**Present: Louis Ramunni, LPR Associates, Engineer
Rich Stavridis - BMW**

Chairman Cosentino: They are asking to remove a dumpster. If you see Austin's memo, they are requesting a dumpster that was on the original site plan be moved to a different area 10 feet away. There are no zoning issues.

Nanette Bourne: When we were doing our review there were a number of small changes as construction commenced. Your original building included more multi dealerships and now you have a single dealership, so one of your garages changed. It didn't have a material, exterior change. Some landscaping we felt looked a little thin and needed to be upgraded. A change was made to an area adjacent to the wetland and they were all improvements to the plan.

Rich Stavridis: Actually it's not going to be enclosed, it's going to be moved over and gated so you won't see it.

Nanette Bourne: You'll need to come back so the Board can identify it. It's almost an "as built."

Louis Ramunni: So go ahead with the relocation?

Nanette Bourne: No, actually you have to file a formal application, and if the Board wants a draft resolution for August.

Whitney Singleton: We just need to make sure that the site plan that is submitted reflects everything that was approved with these modifications. We have to have an official site plan of record to show it's been approved. It's not just showing the changes, it's showing all the original site plan elements this meeting incorporates.

Louis Ramunni: One more thing is the front steps and there is like five items there that are conditional for the C.O. The dumpster, adding the front stairway on the north side, not the front of the building, which Nancy said would not incur the ARB because it's on the side of the building, and then the change in the landscape and the elimination of the track, taking out the columns underneath the canopy, and that actually added parking in the back.

Doug Hertz: In the area where the track was proposed, what is going there?

Louis Ramunni: Where it was a track we squared it off and made it gravel paved like the rest of the parking area. Thank you very much.

Chairman Cosentino: We will make a resolution for August 26. At that time you will bring a completed site plan with all the changes.

Formal Application:

**Lexington Avenue Gym
342 Lexington Avenue**

PB2008-09

**Present: Louis Loria, Architect, Atmosphere Design Group
Carrie Hilpert, Shamburg, Marwell, Davis & Hollis
Ciprian Captan, Atmosphere Design Group
Perry Verrone, Owner, Lexington Avenue Gym**

Carrie Hilpert: We are here before you tonight for a change of use that we are seeking at 342 Lexington Avenue. You are familiar with the location. It's a change of use from retail warehouse, which was the antique store that has recently suffered a fire. This use will include the renovation and repair of the building with the exception of the basement graphics office. It's small, about 300 square feet. This proposed use is an existing personal training facility. It's looking to expand. It's an established business in the community. It has a continuing client base, which if you look at part of this formal submission represented; this base can support the expansion to the new location financially. We last appeared before this Board in May. At that time we listened to the Board's questions and concerns and we hope we addressed them in the formal application. Some of those included a letter from Mr. Verrone, in which he addressed some of the questions you had about the business itself. Also, we revised the plans to show lighting to the parking area and we've also submitted an operational plan to show the peak time for the staff and clients. We've included a planting plan and a plan for guardrails.

Chairman Cosentino: There are some questions on the calculation of the car count. Also, there will be no outside activities here is there? I see you have it now, will you discontinue that?

Perry Verrone: There will be no training outside the building.

Chairman Cosentino: Nanette, there will be no outside training, please take note of that.

Vice Chairman Sturniolo: Putting aside the interior and all the things you have to do, can you start cleaning up the exterior of the building tomorrow? It's an embarrassment.

Perry Verrone: They started the demo inside.

Vice Chairman Sturniolo: How do we get the outside, the fire thing, changed quickly?

Perry Verrone: I know the insurance company is going to cover the painting.

Chairman Cosentino: I think the Vice Chair is asking for you to get a hold of your landlord and tell him we want to start seeing that building getting repaired.

Vice Chairman Sturniolo: Let's make the remains of the fire disappear somehow. Can you convey this to the owner?

Louis Loria: We can convey it to him sure. But we have no power to make him to do it. We can ask.

Chairman Cosentino: Just convey it to him.

Vice Chairman Sturniolo: Whitney, what can we do to get the property owner to address the clean up of the exterior of the building?

Whitney Singleton: I have put several phone calls into the Building Inspector. In the past he has indicated to me that it was part of a fire investigation, so nothing could be done. I've recently reiterated that concern of the Board to Austin and I don't recall his specific response. I will reiterate to him again, and we can bring it up again this Thursday at staff meeting. In the meantime I will do some research.

Vice Chairman Sturniolo: Could you generate a memo to the Building Inspector that the Planning Board is desirous of this to happen; and begin a paper trail?

Whitney Singleton: Yes.

Vice Chairman Sturniolo: Thank you.

Perry Verrone: To give you an idea, if we were to get approved, he is supposed to have the building ready for us October 1.

Chairman Cosentino: One of the things that he brought up in that memo was the change. You have 5, 10, 12 coming in, and then right after that you have another class. There is no time lapse. How do you move people out of the parking lot and then have these people fit back into that parking lot when there is no time lapse?

Perry Verrone: They do half hours, 45 minutes. They are never on the hour.

Chairman Cosentino: So they are never all leaving at the same time?

Perry Verrone: Right. Then we have about a 30 percent miss ratio in the morning around that time, in the morning. I've never had 100 percent ratio, everyone scheduled being there. That also helps with that.

Chairman Cosentino: What are they doing for landscaping? Do you have a landscape plan?

Carrie Hilpert: We put in a planting plan. We did not do a landscape plan.

Chairman Cosentino: You need a landscape plan and we need an enclosure on the parking lot itself. You need something saying that's the parking lot for that building.

Anthony Oliveri: In our memo we spoke about the code requiring poured concrete curbs around the parking area. We also planned out a couple of things for handicap parking; the width of the stalls, the slope of the pavement needs to comply with ADA standards.

Louis Loria: The pavement is part of the town, isn't it?

Anthony Oliveri: It's part of the property, when you have handicap parking. I believe it's greater than two percent. Either way that would be a violation of the Village code for curb cuts.

Louis Loria: So you're saying even though we're required to have it, but it would be in violation of the code to have it?

Anthony Oliveri: I'm saying for your parking to work, even though they aren't curbed on the street right now, it would require three curb cuts or a very wide curb cut. So, in the future if the Village would curb the street, it would require three curb cuts or a very wide curb cut.

Louis Loria: And you're saying that's not allowed by code?

Anthony Oliveri: I'm saying that's something for the Planning Board to consider.

Ciprian Captan: But if you provide a curb cut wide enough to encompass all the three entrances...

Anthony Oliveri: Actually the width would be in violation of the code requirements for curb cuts. That's something you have to look at.

Louis Loria: There are no curbs along the whole street.

Anthony Oliveri: First of all, to comply with the first part of the parking requirements you need to curb your parking area, and once you do that then you're going to have three curb cuts. So there is some conflict there. It's within the Planning Board's discretion to look at this closer.

Louis Loria: The problem is we would have to have three curb cuts which would be in violation.

Whitney Singleton: What Anthony saying is the way you've laid out and designed your parking lot it's not complying with the code.

Louis Loria: I get that. The other point you've raised is the guard rails we put to protect people.

Anthony Oliveri: They are within Village property, so that might require going before the Village Board to get permission. The other bigger items are the illumination levels

did not seem to comply with the proposed lighting code. The light trespass and the maximum average levels didn't meet the proposed illumination code.

Louis Loria: The maximum average levels over the entire parking lot?

Anthony Oliveri: Whatever you listed. You listed maximum average in a table and it didn't comply with the code. Remember the code is the proposed illumination guideline.

Louis Loria: I think we can address that. We are aware that there was some spillage in a couple of spots that went over, and I was listening very closely to the conversation this evening regarding the proposed lighting, but there are things we can do to address it by putting some reflectors to block the light.

Chairman Cosentino: So you have to work with Anthony on the ingress and egress.

Anthony Oliveri: My issue is if you comply with one part of the parking by putting curbs in, then you are going to have a problem by putting in curb cuts that are not complying.

Louis Loria: Right, but you also said that could be something the Planning Board could allow.

Chairman Cosentino: We need to work something out, and the landscape plan.

Louis Loria: So what we provided is not adequate enough? You want more plantings?

Chairman Cosentino: We need a landscape plan. That's not a landscape plan.

Ciprian Captan: The amount of green space is just limited to the front of the building, otherwise everything else is pavement. This is why we did it this way. Obviously you guys want to have a landscape plan and we will provide one, but it's going to be limited just to this paved area.

Chairman Cosentino: You could put box plants there.

Nanette Bourne: You need to differentiate the plants you have there. I understand that you have limited space, so you have to make the most of what you've got.

Chairman Cosentino: There is room on the side of the building to put planter boxes, but you've got to show them.

Anthony Oliveri: In conclusion, I could not find Atmosphere Design Group in our check of licensure.

Louis Loria: But I have a license.

Anthony Oliveri: You're licensed, but the business entity needs to be licensed to administer architectural services in the State of New York.

Louis Loria: I can get you my business license, I have it.

Anthony Oliveri: Thank you.

Whitney Singleton: One other thing, I noticed in Austin's comments there is no site plan for this property. All commercial uses in Mount Kisco must have a site plan. If there is no site plan for the property you need one.

Doug Hertz: I think it should be recorded in our resolution to identify the staggered hours, because otherwise the parking count means nothing.

Carrie Hilpert: In regard to the parking provisions to the building's needs, the building occupancy was indicated on the parking plan that the rest of the building's occupancy besides from the gym is only going to be the 300 square feet in the basement office space.

Whitney Singleton: Is that set forth in your plans?

Carrie Hilpert: It is. I will clarify that. Thank you very much.

Continuing Review:

Stewart Heights

**25-35 Stewart Place
PB2008-08**

Present: Ronald C. Tetelman, RLA, President, Eberlin & Eberlin, Consulting Engineers

Ronald C. Tetelman: A couple of weeks ago we were here and received some comments from the planners and from the engineer. I believe we've addressed those comments, although I don't know if they are additional comments, which basically involved widening this little piece right here from 15 to 20 feet, just to be sure we had proper turning radius for emergency vehicles. Some drainage protection was added. Those were the major comments.

Chairman Cosentino: How is the drainage in the street?

Ronald C. Tetelman: We are only disturbing a couple of hundred of square feet of area. It's mostly pavement.

Chairman Cosentino: We will put it up for approval in August.

Ronald C. Tetelman: Thank you.

Continuing Review:

**Isidore Albanese
134 Main Street
PB2007-06A**

Present: Lucille Munz, Munz Associates

Chairman Cosentino: This is an amendment on the drawings.

Anthony Oliveri: An issue came up about the coverage area on the site. We verified that area and I sent out a new memo. That was the major issue, the 10.1 1 percent.

Lucille Munz: The resolution was going to be approved that night, but there was a miscalculation about the coverage. We went back and recalculated it and we're actually over.

Nanette Bourne: That recalculation was verified by Anthony.

Anthony Oliveri: We verified that and got almost the same exact number.

Nanette Bourne: The corrected resolution has been drafted and can be resurrected and updated for the next meeting.

Whitney Singleton: It was on the agenda the last meeting, there was one small issue, it was already reviewed by the Board, the one issue was clarified and now she's hoping it can be approved.

Chairman Cosentino: Is the resolution proper now?

Nannette Bourne: The resolution would not change except for the date of approval. You could do it verbally tonight and we could put the final resolution on the next agenda.

Whitney Singleton: I don't think it's affecting your operations. You already have your Certificate of Occupancy.

Lucille Munz: No we don't. That's the problem.

Nanette Bourne: There were two bits of misinformation last time. They were requesting approval of a site plan modification and the misinformation was A, they already had a C.O., and B, had to do with the small area of dimensional non-compliance, and you said the Board doesn't have the authority to grant the approval. So it got sent back down to figure out what they should do. They went back and verified their numbers, so both of those have been corrected. There is already a resolution that was drafted, and I don't think it changes anything except the date of approval.

Vice Chairman Sturniolo: There was no resolution on the agenda for last month.

Nanette Bourne: I'm sorry, my mistake.

Lucille Munz: So what we're looking at is a final resolution for site plan amendment for the next meeting.

Vice Chairman Sturniolo: We didn't have it at the last meeting.

Chairman Cosentino: So we'll have to do it at the next meeting in August.

Whitney Singleton: Given the almost two month hiatus, the applicant is going to be in a position where he cannot get a C.O. Rather than put a request to your Board for permission based upon the progress, your board might want to potentially short circuit that. I think what we're talking about here is modifications with Belgium block.

Chairman Cosentino: I would hate to hold up the C.O. till the end of August.

Whitney Singleton: Your board could simply resolve it if they don't have any objections to a temporary C.O.

Chairman Cosentino: I would talk to Austin and Whitney and let them know we don't have a problem with the Building Inspector issuing a temporary C.O.

Lucille Munz: I appreciate that very much, and I thank you on his behalf.

Nannette Bourne: We'll put the completed resolution on for August.

From the Desk of Austin Cassidy, Building Inspector:

Letter to Mr. Pinnetti

From the Desk of Jeffrey Econom, Assistant Village Manager:

Letter regarding Westchester Residence and Club

Correspondence:

Minutes from the Mount Kisco Conservation Advisory Board
Letter from Edward Weinstein to Hon. J. Michael Cindrach dated June 27, 2008, re Mount Kisco Coach Diner Expansion and Rezoning

Morgan Drive, Lot 3, (Buckingham Properties) Scoping Outline for preparation of a Draft Environmental Impact Statement (DEIS)

Nanette Bourne: You didn't formally accept this or adopt this at your last meeting and the applicant is hoping that you would do so. All the changes that you requested are shown on the scope.

Stanley Bernstein: Did we have a public hearing on the scope, and you went over the changes?

Nanette Bourne: Yes, at the last meeting. The scope reflects what you've asked to be changed and just to formalize it; you want to take and acknowledge that the scope is what you asked the changes be as requested and accept it as is.

Motion to Accept Changes re Morgan Drive, Lot 3, Buckingham Properties Scoping Outline for Preparation of a DEIS as Presented Tonight:

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

Vice Chairman Sturniolo: We voted on something predicated on an item listed under correspondence. If it necessitated a vote it should have been listed on our agenda in the appropriate place. This has somewhat of an issue associated with it because it required action that we took tonight.

Nanette Bourne: I think what should have been done formally at the last meeting when you asked me to make the changes, we should have made a formal acceptance or

adoption at that time and I'm not sure if it was generally accepted that this was what you wanted with no formal vote taken. For that reason, I asked that it be put back on here.

At this point, Chairman Cosentino left the meeting and Vice Chairman Sturniolo resumed.

Special Discussion: Illumination Guidelines

Vice Chairman Sturniolo: Nanette, where are those four or five suggested changes I wrote in that e-mail?

Nanette Bourne: On page 4, maybe it just didn't get underlined. Is this where you wanted the lumens to be translated into watts?

Vice Chairman Sturniolo: You mean as an additional paragraph? There were examples.

Anthony Oliveri: There were comparisons.

Nanette Bourne: I will mark this up and show where those changes are and have it for you for Thursday.

Vice Chairman Sturniolo: Nanette, I would like to give this to you so we could add it to the glossary section.

Doug Hertz: If I recollect, there was a discussion about phasing out non-conforming lighting in commercial. Is that in here?

Nanette Bourne: Non conforming lighting starts on page 1, C.

Doug Hertz: I think what we discussed in the meeting, in particularly as it relates to commercial lighting was not that they had to wait till they came back before the Board for something else, but that there was a phase in or phase out of their non-conformity with a schedule similar to what is being proposed for the sign ordinance. Basically, the more expensive it was the longer the time period was that you had to comply.

Nanette Bourne: I have the list, but they were fairly small items, and don't remember something that extensive.

Vice Chairman Sturniolo: No, this is something Doug brought up that is not on my list.

Doug Hertz: They brought that up at that meeting.

Vice Chairman Sturniolo: You're right and that's the purpose of this discussion, too.

Doug Hertz: I thought I copied everyone on it, but I may have responded to Tony directly.

Vice Chairman Sturniolo: I said let's bring it up at the next meeting.

Nanette Bourne: The four items that Tony gave are in here. Do you have anything more in this that you would like to see changed?

Doug Hertz: I was paying attention to the other things, and I was just looking at this with regard to some of those small changes, but I haven't sat back and re-digested this.

Vice Chairman Sturniolo: If everybody is comfortable with it, if we ask Nanette to modify this to incorporate what you just said and the memo that I wrote, I don't think there is anything more we need to do to these guidelines.

Doug Hertz: I think you're correct.

Anthony Oliveri: I had one thing I want to add. Under light trespass, page 4, talks about .1 foot candles for residentially zoned and .5 for non-residentially zoned, but the table talks about maximum horizontal candles at lot line from .2 to .1. So, which is it?

Vice Chairman Sturniolo: You want the two numbers to reconcile?

Anthony Oliveri: Yes. It's not clear.

Vice Chairman Sturniolo: What would you suggest changing?

Anthony Oliveri: I like the light trespass in the paragraph. .1 For residential, .5 for commercial or non-residential.

Vice Chairman Sturniolo: And then what would you change in the chart?

Anthony Oliveri: You really don't need this column, because it's either .1 or .5. This depends on whether the adjoining property is residential or non-residential correct? So, if it's residential, it's .1. It doesn't matter what the use of the property itself is.

Vice Chairman Sturniolo: So you're suggesting eliminate the entire column called maximum horizontal?

Anthony Oliveri: The way it is doesn't make sense.

Vice Chairman Sturniolo: So we could eliminate the entire column.

Anthony Oliveri: You would have to make it much more complicated to base it on the use of the property, and then you'd have two columns there, one for residential, one for non-residential. I would just make it .1 or .5.

Nanette Bourne: So leave 4A as is?

Vice Chairman Sturniolo: Yes. And take out the column.

Anthony Oliveri: Right now, say for CVS it would be .1 at the lot line, but with 4A it would be .5 non-residential.

Doug Hertz: How do you interpret what's a commercial bordering a residential?

Anthony Oliveri: That would be adjoining properties. It doesn't matter what the use on the property is, if it's residential you don't want any more than .1 at the property line, because the adjoining property is residential. If it's non-residential then you'll allow .5 of the property line. It doesn't matter what the use on the site is. That's irrelevant. According to this for CVS the trespass light levels are either going to be .1, according to this table or .5 according to the paragraph? It should be .5 because it's a non residential use next to them.

Vice Chairman Sturniolo: So a shopping center adjoining a residential property, if a shopping center has .2, you wouldn't want that spilling over on the residential property because indeed it should be .1.

Anthony Oliveri: I think that's what you'd rather see, the .1.

Doug Hertz: You are going to run into some very difficult situations possibly with average to minimum ratios if their parking is very close to the edge.

Anthony Oliveri: That has nothing to do with this column.

Doug Hertz: So how about this situation? We have a commercial operation like A & P next to a wetland, and we want to discourage light trespassing to a wildlife area.

Vice Chairman Sturniolo: Which we did do in the back of A & P.

Anthony Oliveri: That would be a .5 according to what I'm saying. You can make any of this discretionary. Because it is a wetland, you can make that a condition of your approval.

Doug Hertz: Is there a statement that the Planning Board has regarding discretion?

Nanette Bourne: I actually think there should be.

Anthony Oliveri: Maybe under 4A, you could put "unless a special condition."

Doug Hertz: Also, we were going to put a line in about parking structures and the way the height of a pole is defined.

Anthony Oliveri: The U ratio. Is that a minimum ratio or a maximum ratio?

Vice Chairman Sturniolo: That may be taken from our current code.

Doug Hertz: I think it's a uniformity ratio. So it's a ratio of the maximum to the minimum on the site, or is it average to? Do we even define conformity ratio in here?

Nanette Bourne: No. I actually added that there needs to be a definition of that.

Anthony Oliveri: So if it lists a 4 to 1 U ratio, and on their plan they list a 3 to 1 U ratio, does it comply or not?

Doug Hertz: It complies. You want to be uniform. 1 to 1 is totally uniform.

Anthony Oliveri: You want to be below the U ratio.

Nanette Bourne: There is a definition in here of the U ratio.

Doug Hertz: The idea is to make it as easy on the eyes as possible. You want it as uniform as possible.

Anthony Oliveri: You want it below that 4 to 1, though.

Doug Hertz: 4 to 1 is the maximum variation.

Anthony Oliveri: Intuitively it makes sense, but add maximum to the U ratio just to make it clear.

Vice Chairman Sturniolo: So we're adding the word maximum to U ratio with the leading column to the right called maximum horizontal foot candles and we're adding the two points you brought up Doug about the parking structures and the sun setting clause, and you will be forwarding your e-mail to Nanette and me tomorrow and then I will suggest to Joe if Nanette can make the changes to the guideline and we have this upcoming meeting for the hospital and 919 Mountain, at that same meeting we can then approve the guidelines in a vote and then be able to forward it to the Village Board.

Whitney Singleton: Did you set a specific date for that meeting?

Vice Chairman Sturniolo: No.

Whitney Singleton: Okay, because I would like to make sure that I coordinated the scheduling of the Village Board meeting. Do you want to get to the Village Board with a public hearing established?

Vice Chairman Sturniolo: Their public hearing, yes.

Whitney Singleton: So I want to be able to get it on an agenda as quickly as possible if I have an idea by what date that can happen.

Vice Chairman Sturniolo: I don't know when Joe is going to do that. I will suggest to him that in addition to the two subjects for this special meeting, we include this, because this will take all of five minutes to vote on. We see no further challenges.

Whitney Singleton: The sooner I can find out that date the more helpful it will be for scheduling purposes.

Sol Gibbons: I have a few clarifications. On page two, Outdoor Lighting Standards #2; you talk about "photocells and timers for lights that are controlled." Is that a combination of a photocell and a timer on lights that you would like to be extinguished during the night? Is it the intent to turn the lights off during the night? Then the photocell won't do it. Photocells will keep the lights on as long as it's dark.

Doug Hertz: I think depending on the use, the idea is we want to encourage automation of lights being turned off. So whether they are on timers or whether they are lights that are photocells that will go off in the daytime.

Sol Gibbons: But it says they shall be extinguished during non operating hours, other than lights that are required by government regulation. If they shall be extinguished, that's mandatory.

Vice Chairman Sturniolo: So you're saying obviously you're not going to extinguish by photocells, because they don't turn them off at night.

Sol Gibbons: Unless they are a combination with a timer.

Vice Chairman Sturniolo: Why don't we change it to photocells in conjunction with timers?

Sol Gibbons: Or in combination with timers. Further on that same page, the sensor activated lights. Are those motion activated lights?

Vice Chairman Sturniolo: Yes. Sensor activated lights to replace existing lighting, meaning existing constant lighting that's on all the time, and the motion sensor would trigger the lights on only when there is motion activity.

Whitney Singleton: As long as you're on that paragraph, I have an item. It says "all permanent exterior illumination of commercially zoned." That should either be properties, but commercially zoned is going to be subject to interpretation. Just like we had is a bank commercial or office? I would say all non-residentially zoned properties.

Stanley Bernstein: You have to have a sign that says all illumination shall be extinguished on egress.

Vice Chairman Sturniolo: Yes.

Sol Gibbons: On page four, #4, Light Trespass, Under C, it says "does not apply to temporary decorative lighting." Are you talking about Christmas tree lighting?

Vice Chairman Sturniolo: Yes.

Sol Gibbons: Okay, it says for a period of one month or less. According to the National Electrical Code, that lighting may be left on for 90 days. Are you saying that it should be off in a month of the 30 days?

Vice Chairman Sturniolo: Yes. Whitney, does that supercede?

Anthony Oliveri: The electric code probably deals with temporary power sources. I don't think it deals with the illumination.

Sol Gibbons: It specifies Christmas lighting.

Anthony Oliveri: Is the intent towards illumination spill over or trespassing?

Doug Hertz: No, it's the legality of a permanent versus a hardwire light.

Whitney Singleton: I don't see any problem with what you have.

Anthony Oliveri: But it would conflict.

Whitney Singleton: I see what other communities have done in this regard. 30 days is not unusual. The problem is when will you be able to establish that they are in violation? Did you take a picture of when they put it up on day one? What is going to have to happen, the time will start to run from the time the neighbor complains. Do you want to start the clock running at 90 days or 30 days? I don't have a legal issue with it being 30 days.

Vice Chairman Sturniolo: Since there are no other changes I will proceed to tell Joe what the plan is and hopefully we'll get this finished.

Nanette Bourne: I will try to bring this on Thursday.

Vice Chairman Sturniolo: Planning Board comments regarding the sign ordinance, and there is a letter from Whitney regarding the lot and bulk changes, Planning Board comments regarding the Sign Ordinance.

Whitney Singleton: I think if you were to have a discussion on this topic, there would be a draft of a sign ordinance in your packet.

Doug Hertz: I understand the ARB met on it.

Whitney Singleton: The only modification that has been proposed since that time has been elimination of neon signs or whatever definition it is, throughout the Village, there were some concern set forth as to how relief can be granted from the provision, which is basically still in the vestibule of the ZBA and there were some minor changes made

relative to streamlining the process that certain applications don't have to go to the ARB, but to simply change of tenants in buildings that already have sign packages, and lastly, I requested to propose some changes to address the situation if somebody seeks a variance, that a copy of the application be referred to the ARB for comment before the Zoning Board acts on it. Does your Board have any comments, questions, concerns? I can bring one up that ties back into when you talked about the lighting regulations. As Doug alluded to, the sign ordinance has a provision for elimination of certain non-complying signs, and the period over which the signs amortize is a function of how much money the sign costs to fabricate and install. If you spent more than a thousand it's this, if you spent more than ten thousand it's that. I have a feeling as an administrative function; I don't think that somebody is going to walk into an office on a Thursday morning and say oh, today is the day that we get the thousand dollar signs, or we need to get all the thousand dollar signs torn down. I just don't think that is going to happen. I think with regard to your non complying lights, you should just give a reasonable period of time and just put a drop dead date so it's uniform across the Board. All non-conforming commercial signs shall be discontinued by such and such a date. Make it X many years from the date of adoption or something like that. I think these little parceling off doesn't seem feasible. With regard to amortization, if you want to take that into consideration, it's only a thought.

Vice Chairman Sturniolo: Taken into consideration regarding the lighting ordinance as well?

Whitney Singleton: I don't know if that was fully resolved by your board.

Vice Chairman Sturniolo: The example was Friendly's, to encourage them to get away from their lighting predicated on an amortization program.

Nanette Bourne: I'm all for being tough on lighting and signage, but communities that do that have a full time staff person.

Whitney Singleton: It's going to be hard.

Nannette Bourne: Think about the enforcement issues that challenge us today.

Whitney Singleton: I think with regard to the neon, which is a point of contention with the sign committee and the ARB, while I fully appreciate both positions, I think the contention was because of the vast number of businesses that it's going to effect. The ARB was concerned about the aesthetics, the committee that was drafting the local law was primarily the people that are going to be involved in it's enforcement, and I think they estimated around 80% of the businesses have to have signs taken down. So this is more significant expense and it's going to be a lot of work. I think to say that certain ones are going to have to go by 12/31 09 or '08 and lights are going to have to go by 1/1/10; pick a drop dead date. It has to allow people a reasonable time to recoup their investment, but I think you're better off with a very bright line date.

Vice Chairman Sturniolo: How do you arrive at that date?

Whitney Singleton: What would be a reasonable period of time within which to allow amortization of these investments, or you could say what existing lighting out there is the most expensive non-complying that is going to have to be changed?

Doug Hertz: Burger King.

Vice Chairman Sturniolo: Burger King and Friendly's.

Nanette Bourne: And the new 24 hour sign at CVS.

Vice Chairman Sturniolo: Whitney would you suggest we hold off on the signs?

Whitney Singleton: No, it's whatever you think in regard to the signs. I know how this stuff works as far as its adoption. When you go through the lighting, you know it much better than anyone else that's taken a look at it, and the Village Board is not going to sit there and pick apart your lighting regulations. They are going to rely upon you; they may have a question here and there. The public may have a comment or two. When the sign ordinance was proposed, I could not believe the turn out. A lot of people showed up and there were a lot of very passionate views on this, in which I was very much surprised. You started to notice a couple of chinks in the armor because people were challenging it. I don't know that you're going to have a lot of public turn out with the lighting, but I don't expect the Village Board or anyone else to pick it apart. It is

going to stand based on what you are proposing. If you are comfortable with it, you will ship it to them and I'm sure it will be adopted probably with very little change.

Vice Chairman Sturniolo: We've tried to address the issues that were raised at the joint meeting and make those suggestive changes here tonight. We've done that.

Whitney Singleton: If you are comfortable with it, ship it over to the Village Board and they will put it on a public hearing.

Nanette Bourne: And you've been working with them on the illumination. I think that's why you're comfortable with it.

Doug Hertz: So you're suggesting not an amortization schedule but picking one single date?

Whitney Singleton: Yes. If I were to throw in my two cents I would pick a date that someone could reasonably recoup their investment.

Vice Chairman Sturniolo: Should we pick a date tonight to incorporate the changes?

Whitney Singleton: Yes. I would not suggest a date of less than three years.

Nanette Bourne: It's typical for them to be three on the inside and five on the outside.

Vice Chairman Sturniolo: Do we want to say three years?

Doug Hertz: I'd love to have everything changed in three years, but it seems like a short time for some of these bigger things. Why don't we put it in and have the Village Board say no.

Stanley Bernstein: I'd like to move it as quickly as possible. I don't think they should get any tremendous consideration no matter how much it cost them.

Sol Gibbons: How enforceable is it?

Whitney Singleton: It's enforceable. It will be a major problem for Code Enforcement and the Building Department to force people to do this, as will the sign ordinance, and these things are kind of going on the same track. People are going to be much more outraged over the signs than they are with the lighting.

Vice Chairman Sturniolo: So let's put in January 1, 2012. That's a little over three years.

Nanette Bourne: January 1, 2012.

Vice Chairman Sturniolo: The sign ordinance; what will we do about that?

Whitney Singleton: If you have any questions I will be happy to answer, but the continued public hearing is on July 14.

Vice Chairman Sturniolo: Does the Village Board need a response from us prior to that?

Whitney Singleton: It's not mandatory, it would be nice. It's mandatory that they refer to you.

Vice Chairman Sturniolo: I guess we're not prepared tonight because we don't have the copy of the sign ordinance in front of us.

Doug Hertz: I've read through the sign ordinance. It's long, it's involved, and I haven't got through it that many times. My feeling is that we weren't involved in the drafting of it, a lot of people put in a lot of time and effort who are involved with it on a day to day basis.

Vice Chairman Sturniolo: And they know it better than we do like we know the lighting ordinance better than they do.

Doug Hertz: And, if their feeling is that it represents the best effort to put forth, I certainly didn't see anything wrong with it.

Nanette Bourne: Another subject, what are you going to do with Eduardo's lighting?

Anthony Oliveri: It was left for us for tonight. Nancy gave it to Jim Palmer today and Jim left a copy for me and Nanette to look at.

Doug Hertz: This was given to you, not to us?

Vice Chairman Sturniolo: Is it a photometric plan that's acceptable?

Nannette Bourne: No, there are a lot of numbers.

Vice Chairman Sturniolo: Anthony, are there cut sheets with full pictures?

Anthony Oliveri: It looks like it. The lighting from the parking lot is coming from the street lights. There is no lighting in the parking lot. There is just lighting in the dining area. There is a light along this property line, existing lamp post and I guess there are two along the top here.

Nanette Bourne: But what are all these numbers?

Anthony Oliveri: I guess they ran the photo metrics on it and then transposed this. Another thing is there is no light level for outdoor dining specified in the new guidelines. I am not sure what number we are going to use there.

Vice Chairman Sturniolo: This is very amateur.

Anthony Oliveri: You have to think about the parking area here. It's street lighting, so they are not going to change that anyway. It's really the lighting in the dining area that's new. But they have to show that there is enough illumination in the parking area from the street lighting that they don't need additional lighting. If this is correct, there is plenty of lighting there.

Nanette Bourne: But I don't know why they have to have all those tabulations.

Vice Chairman Sturniolo: That's superfluous.

Anthony Oliveri: They did it like a long hand method.

Doug Hertz: Forgetting even that, look at their opening statement, "as per the lighting design, foot candle recommendations regarding the outdoor lighting area should have a foot candle level between five and seven foot candles. Foot candle level existing outdoor dining is six foot candles." Isn't that above the level?

Anthony Oliveri: Do we have a level for outdoor dining?

Doug Hertz: It's outdoor spaces, whether it's dining or not. You don't get to make it brighter because it's dining.

Anthony Oliveri: As far as a light trespass on the property lines, the lights coming from the streetlamps; there is nothing we can do about that, but the levels in the parking area would need additional lighting say for the parking lot. It looks like they do, but maybe it's too bright in the dining area.

Vice Chairman Sturniolo: Anthony can you spend some time to look at this?

Anthony Oliveri: Yes, I'll take a look at it.

As there was no further business, the meeting adjourned at 11:30 pm

Respectfully Submitted,

Sol Gibbons
Acting Board Secretary

dm