

Minutes  
Village/Town of Mount Kisco  
Mt. Kisco Planning Board  
Tuesday, August 5, 2008  
Work/Regular Session of the Planning Board

Meeting called to order at 7:50 P.M. Tuesday, August 5, 2008 at the Municipal Building Mount Kisco, New York.

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

**Members Absent:**     **Stanley Bernstein**  
                                  **Ralph Vigliotti**

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

**Staff Absent:**         **Whitney Singleton**

**Final Action:**

- a. ***919 Mountain Avenue Associates – 133 West Main Street – PB2008-11***  
***William Balter, property owner and applicant***  
***Doug Hertz, property owner and applicant***

Doug Hertz: Recused.

Chairman Cosentino: This is August 5, 2008 and this is a Regular/Work Session of the Mt. Kisco Planning Board. Before I start I would like to inform you that Stan Bernstein is out on sick leave and he has had an operation and is doing well. He sends his love to everybody and plans to return soon. The first item on our agenda is 919 Mountain Ave Associate. 133 W. Main Street and I am going to switch it around a little bit since I have to leave early. We have a resolution before us tonight. Nanette I just want to go over this.

Nanette: This is a resolution for a sub-division approval. It reflects issues and the conditions of the Planning Board that they have requested to be included in it. In addition to approving the resolution you need to declare yourself lead agency and make a SEQR determination.

William Balter: I have two small comments of the resolution if I may. On number 3 & 4 the dates read 7/2/08 and they should read 7/22/08. On number one (1) in the conditions I understand that it is a general condition you often have in these resolutions. We anticipating closing on this property within a month or two and this condition would have the potential of holding us up, because the purchaser attorney might think we have some outstanding obligation. We would like to add to this condition if it is ok the words "unless the final sub-division plat has been filed within six (6) months of this approval," and just leave the rest of it.

Chairman Cosentino: I just want to put into the minutes that council is not here tonight, and I don't know if we can do it unless Nanette does not have a problem with it.

William Balter: That condition would apply unless the sub-division plat has been filed. If there was any work that would have to be done that would hold up the filing of the sub-division plat and we know that there is no work to be done. Once the plat is filed that condition would go away.

Nanette Bourne: I guess I don't see the issue with that. I don't even see the issue with the condition because it is any construction prior approved that is included in this resolution that none is required or approved.

William Balter: That is really just a standard thing.

Chairman Cosentino: That is just a standard thing. We did two sub-divisions recently and it was in there.

Nanette Bourne: So if we had a condition that you had to put up a fence or install then it would apply.

William Balter: We will explain that to the purchaser attorney.

Chairman Cosentino: If there is problems have them call us and we will explain.

William Balter: On the plans, number seven (7) there is a typo. The word front needs to be added to "Front property line" This is the integrated plot plan dated 7/22/08.

Vice Chairman Sturniolo: Nanette what is the first motion that we need to do?

Nanette Bourne: To declare yourself lead agency and to do a SEQR determination and make a declaration.

Vice Chairman Sturniolo: Mr. Chairman I would like to make a motion that the Mt. Kisco Planning Board declare themselves Lead Agency for this application of 919 Mountain Avenue Associates, for 133 West Main Street.

Joseph Morreale: Second.

**Vice Chairman Sturniolo: Aye on the motion**

**Joseph Morreale: Aye on the second**

**Sol Gibbons: Aye**

**Chairman Cosentino: Aye**

**Board All Ayes**

Vice Chairman Struniolo: The second motion Nanette?

Nanette Bourne: A SEQR determination to be included in the resolution is that there is a finding in the proposed might not have a significant effect on the draft environmental...

Vice Chairman Sturniolo: I make a motion that the resolution of approval will not have any negative environmental impact as far as SEQR is concerned.

Sol Gibbons: Second.

Vice Chairman Sturniolo: Aye, on the motion

Sol Gibbons: Aye, on the second

Joseph Morreale: Aye.

Chairman Cosentino: Aye

Vice Chairman Sturniolo: The last motion is on the resolution sub-division approval. I make a motion that we approve the sub-division for 133 West Main Street 919 Mountain Avenue Associates with a tax map identification of 69.72-5-7 with the revisions that were previously discussed and they are they are the first three (3) whereas where we are changing May to July 22, 2008 and we are also adding the word "front" to the drawing called the Integrated Plot Plan which is item number seven (7) on the plan. Let me modify that on the sixth whereas to insert on numbers three (3) and four (4) to insert the date of July 22, 2008.

Chairman Cosentino: I am going to second the motion, but before I do that. I just want to tell you and Doug what a wonderful job you have done there. It is asset to the neighborhood and whatever gets built next door and I know it will be right. Congratulations on your sale and you did a beautiful job for the Village of Mt. Kisco. I will second that motion.

**Vice Chairman Sturniolo: Aye on the motion.**

**Chairman Cosentino: Aye, on the second**

**Joseph Morreale: Aye**

**Sol Gibbons: Aye**

**Board All Ayes**

William Balter: Thank you for your time.

Chairman Cosentino: Left meeting. Vice Chairman Struniolo took over the meeting.

Vice Chairman Sturniolo: The next item on the agenda is the Northern Westchester Hospital 400 Main Street Emergency Room Parking garage.

**Continued Review:**

**a. Northern Westchester Hospital – 40 Main Street –  
PB2003-02C Emergency Room/Parking garage**

**Mike Caruso, representing the NWH**

**John Partenza, representing NWH**

**Steve Barshov, representing NWH**

Vice Chairman Sturniolo: The document that we have in front of us is the reaffirmation of the lead agency status for the hospital and the Planning Board dated August 5, 2008. If anybody would like to come forward if not Nanette where shall we go with this?

Nanette Bourne: The notice of intent is in two pieces. One is the notice that would be submitted and distributed to the involved agencies. The involved agencies are those agencies that have an approving...This has been updated and what is different with this is we have notification of the Emergency Department Expansion project that we have been talking about at the last two (2) meetings that include the ED expansion and the parking structure on the south lot and the landscape frontage along Main Street. It also includes a proposed text amendment to deal with some

zoning issues, because of that text amendment the Village Board of Trustees will have to make a decision on that so they would be an involved agency. Everything else is pretty much the same as what you have reviewed in previous notice of intent discussions. Second is the Full Environmental Assessment Form that has been updated to reflect the current project and the actions that are required. This is very similar to DEIS just updated. This will be circulated to the involved agencies. The applicant is planning to prepare documentation regarding the environmentally sensitive issues including traffic, stormwater, cultural resources, visual impacts and as well as the zoning and the community character of this. That information will be provided to you in advance of your August 26, 2008 meeting so that you can begin to take your hard look and you can consider the SERQ determination in September if you wish. Other activities and issues that will be brought before you with the schedule that we discussed are to have the public hearing on the special permit in September. I encourage the applicant to submit the petition of the zoning text change within the next couple of days. There will be a public hearing required by the Village Board to be scheduled in September. All the materials should be ready for the October meeting for the site plan modification resolution approval.

Vice Chairman Sturniolo: So by resolution we just need to re-affirm our lead agency intent for this document. Before we go through that is there anything the hospital wants to comment on what you just heard from Nanette? Calendar wise, date wise, everything makes sense and we are all on the same page?

Mike Caruso: All on the same page.

Nanette Bourne: Just to underscore the need for the Planning Board to receive the whole package of information in advance. The board has been very flexible in receiving your materials and they really won't be able to discuss it with any intelligence if they don't have it in advance.

Vice Chairman Sturniolo: In advance the cut off date for the 26<sup>th</sup> was August 6, 2008. However let's stretch that and if we can come to an agreement that all the material will be submitted way in advance of the 26<sup>th</sup> without necessarily putting a date so everybody has enough time to thoroughly go through it and ask internal questions. Do we have affair understanding of that?

Mike Caruso: We were shooting for the 19<sup>th</sup> so that would give a week for review.

Vice Chairman Sturniolo: Ok everything on the 19<sup>th</sup>. Nanette do you want to add anything?

Nanette Bourne: The 19<sup>th</sup> would be fine.

Joseph Morreale: The 19<sup>th</sup> is a Tuesday so we will not get it until Friday.

Nancy Placona: I can get it out by Wednesday. As long as I receive it by the 19<sup>th</sup> I will get it out Wednesday.

Joseph Morreale: To our house?

Mike Caruso: We can send individual copies electronically.

Vice Chairman Sturniolo: They would still have to be filed with the office so they can get stamped. In addition to the Planning Board Members you would have to send to Whitney, Nanette, and Anthony.

Nanette Bourne: We can email you a PDF file.

Mike Caruso: There may be size and color issues.

Vice Chairman Sturniolo: That would be fine, we can get it electronically and then duplicated in our packets. Just work with Nancy on everyone that will need copies.

Steve Barshov: I think Mike would be the best person to coordinate with Nancy.

Doug Hertz: We will see it in the same time fashion it is just the consultants will have to make their review quickly.

Joseph Morreale: My point is if we just get it for the weekend we will not have time to go through it. That is why I was wondering it is three weeks from now and you are going to finish it in two. As long as we get it quickly I would appreciate it. For one I like to go through these things in detail and I am sure that the rest of you do too.

Anthony Oliveri: As far as consultant's review of this you are not going to have reviews from the consultants that night. You will have it in two weeks

Joseph Morreale: Then what are we going to have?

Nanette Bourne: You won't have to take an action.

Joseph Morreale: Then we just need to be prepared to ask questions?

Nanette Bourne: Right and they can make a discussion on the findings. They can make a presentation on the findings and answer any question you may have.

Joseph Morreale: Ok.

Anthony Oliveri: Technically our review would not be out there until the next meeting.

Vice Chairman Sturniolo: Right and as Nanette said we are not taking any action at that meeting of the 26<sup>th</sup>. Joe are you comfortable with the 19<sup>th</sup> or otherwise we can change it.

Joseph Morreale: Fine

Vice Chairman Sturniolo: Therefore if somebody would like to make a motion regarding the re-affirmation of the Mt Kisco Planning as the lead Agency.

Joseph Morreale: I will move that we re-affirm Lead Agency for the Northern Westchester Hospital.

Doug Hertz: Second

**Joseph Morreale: Aye, on the motion**

**Doug Hertz: Aye, on the second**  
**Sol Gibbons: Aye**  
**Vice Chairman Sturniolo: Aye**

Vice Chairman Sturniolo: Thank you. The next item on our agenda under correspondence we have a letter from Marilyn Shanahan regarding Lead Agency status of MRE Development Corp Radio Circle and Lexington Ave. Followed by another letter from DEC regarding the same applicant. Under Special Discussion going back to the top of the agenda we finally have the revised and memorandum regarding the newly proposed lighting standards and ordinances with some recent changes. I think as of tonight Doug you wanted to address a couple of points that you looked at.

Doug Hertz: Yes, Thank you. On the number page two (2) of the document, bracket #2 it says. "On the effect date of the chapter any lighting installation which could comply by re-aiming the fixture" I am suggesting we add re-aiming or re-lamping. If we could add that phrase. On the next page under bracket # two (2) the first statement. "All exterior illumination of commercially zoned shall be" I think after zoned we want to insert the word "Properties". I think it was just left out. Those are my only comments. I have one question for you Nanette which I see in the table one which starts on page five (5) and goes over to page six (6). There are lots of height changes on maximum number of mounting height. I am wondering why we changed all these mounting heights and when this happened.

Nanette Bourne: I don't know.

Doug Hertz: We've been in a lot of the discussions for parking lots we have been using the fifteen foot maximum and I am see a lot of twenty foot now. This is the word version with cross outs and double underlines.

Nanette Bourne: Tony was this discussed at one of the staff meetings?

Vice Chairman Sturniolo: The only thing I recall not at staff but at the last meeting here and it was a point Anthony brought out about deleting that column.

Anthony Oliveri: It was the trespass light.

Vice Chairman Sturniolo: We deleted that column.

Anthony Oliveri: It still has to be corrected.

Doug Hertz: I was surprised to see all the changes to that column because we had agreed on the fifteen. Unless I missed a meeting.

Nanette Bourne: I don't remember why...

Vice Chairman Sturniolo: I don't either whether it was a staff meeting or here.

Doug Hertz: I do not remember being in a discussion about this.

Nanette Bourne: I don't remember either.

Vice Chairman Sturniolo: Maybe it is nothing more than a typographical error. In the revisions it never got caught. If we all agree that everything reverts back to fifteen and ten feet. The crossed out column becomes the

column that we really want to go to. Then coupled down at the very end, which is all other non-residential uses and coupled with that if we eliminate what we discuss and what we do remember the maximum horizontal foot candles at the lot line column.

Joseph Morreale: Mr. Chairman I would like to make an observation to shed some light on this. Everything else that has been added to the document is double underline and therefore when I read that column those numbers are double underlined which would make me think that it was purposely done and that it was not a typo in any means. Which makes me wonder where they came from and was there a problem with the fifteen feet?

Doug Hertz: Who added them in?

Nanette Bourne: Ashley added them in. I would like to ask her and email to you.

Joseph Morreale: I think that we need to follow up here. If we revert back to the old numbers and for some precipitous reason why those things were purposely changed we are going to have to come back to this again and I think that we should try to reconcile this once and for all. It does look like it was purposeful otherwise I don't think it would be double underlined.

Vice Chairman Sturniolo: Unless it was purposeful and I can't recall any discussion and I agree with Nanette why we would purposefully increase it from fifteen (15) to twenty (20), but I do understand your point Joe that it is being double underlined. So let's do this I was really hoping to be able to approve this tonight but lets not. My suggestion is to give Nanette some time to reach it with Ashley and put this on the agenda for the 26<sup>th</sup> of August.

Joseph Morreale: There is no reference of the height in the text, which I find interesting too. The only thing that I can think of is and I am guessing.

Vice Chairman Sturniolo: Those heights were taken from the current guidelines. The fact is that the current guidelines do have height so that is the reference back.

Joseph Morreale: The only thing that came to light is that some of the lights that are already in existence are too high. We will have to find that out.

Vice Chairman Sturniolo: So Nanette lets hold off until you clean it up and shoot us an email.

Joseph Morreale: We had a long discussion about this for a long time and I was unclear in reading this. Does this apply to all residents businesses? Who is included in all these regulations? Is it everybody in the community?

Vice Chairman Sturniolo: It is everybody in the community and there are certain guidelines for residential use that distinguish between commercial.

Doug Hertz: There is.

Joseph Morreale: I did not see that so clearly.

Doug Hertz: For instance on section two applicability, it does talk about it. All existing residents and commercial institutions blah...the next page where it says commercial lighting cannot be...residential lighting shall be required. They do have different...

Joseph Morreale: In that event you come to the end. Given the amount of time and the cost there is a certain time frame and does that apply to everybody?

Vice Chairman Sturniolo: What page?

Doug Hertz: On page two (2) you are looking at section seven (7) and eight (8).

Vice Chairman Sturniolo: That we are going to change Nanette that we discussed to the one drop dead cut off date and that was the January 1, 2011.

Doug Hertz: Joe it does say all other non-conforming commercial lighting, so those things only refer to commercial lighting.

Joseph Morreale: What about for any residential that is non-compliant?

Vice Chairman Sturniolo: That goes back to...

Doug Hertz: It is discussed under...

Vice Chairman Sturniolo: It is discussed under six...

Doug Hertz: It is discussed under 2B and under 2C. There are sections three which are general, where it says all exterior lighting shall be wall packs...

Vice Chairman Sturniolo: Also under eight (8) 8B-1, and to a lesser degree 8B-2. It talks about unacceptable levels nuisance glare excessive sky light and insufficient illumination levels which would also apply to residential as well.

Doug Hertz: Also under five (5) A & B it talks about residential unshielded luminaire basically you can have a carriage type of light as long as it wasn't bulbed to tightly. The next is about flood lights and again as long as they are tilted down not overly bright. Most existing types of fixtures as long as they are not pointing at your neighbor.

Joseph Morreale: My other question is a follow up to this. Once we pass this how is this going to be presented to the public?

Vice Chairman Sturniolo: The Village Board will hold a public hearing on it prior to their adoption to it. It will be out on the web, and how the Village Board chooses to present it further to the public besides the public hearing similar to what they did with the recent zone change and sign ordinance. I am not exactly sure how they did it over and above the web and the public hearing but they will handle that. Some matter that they will come up with.

Joseph Morreale: By the way I don't want to give you the impression that I am not in favor of this because I really am. I think that it is a great thing, and we may get some push back once residents realize this is going to affect them as well. We had this discussion a while back and I



was saying at the time that the residents should be included because there is lighting that exists that is problematic. There are problems for neighbors and a nuisance. So I am glad that we put it in. So now I will see what happens when it goes public.

Doug Hertz: Hopefully this addresses ones ability and does not create any onerous burden on the home owner to have to change all of their existing outside lighting, but gives the neighbor adequate protection to keep them from having their neighbors lights shining through their windows and all sorts of nuisances. The hope is that we feel that this is what it does.

Joseph Morreale: I agree. I just hope that it is presented that way.

Vice Chairman Sturniolo: Is there anything else on this subject?

Jim Gmelin: I know this is not a public hearing but I am with the CAC Board. I am sorry that we did not get involved with this earlier, but when I got the agenda I noticed this. In addressing just a couple of things, we really like the part of encouraging the use of energy efficient lighting. The LED's in fact that is what we have been pushing with the CAC to encourage the Village Board to do that. What has come to our attention as you may well know already is that these CFL's all have mercury in them and some may have a lighter that are coming out now with less mercury. The concern that we are having and was brought to our attention by a local resident. A lady that has three (3) children that have autism and think that it was a result not the result of compact florescence lights but kids received shots that had mercury in them. It is a real concern out there in the community. She came to CAC meeting and spoke with us and left us with a wealth of material here which I do realize that this is more appropriate for a public hearing when that does come up and we will be there to address these issues. I am really glad you stressed not only the CFL' but the LED's cause they don't have mercury in them. What is happening when people are disposing of these things is that when they break them they are stuck with mercury, not a lot but a significant amount where it can do some harm. Particularly to infants, the kids are on the ground which is where the children are. There is a whole protocol of how to dispose of them and I know we have rules and I hope that we enforce them, about making people dispose of them at the county disposal dates. I am not really sure how the Village handles it right now and if we have a facility that picks them up and have them disposed of somewhere else. My bigger concern is what happens when someone installs them and they drop and break how you take care of them. We are going to send out some information. We are going to recommend that the Village send out that information out to the public about that concern and the breaking of a CFL. And now here we are pushing in one respect and the other we are telling them to be careful. Hopefully we will have the Village Board agree to some kind of mailing as part of an educational process about the danger of the breaking of these CFL's. I am glad to see that you have added that.

Vice Chairman Sturniolo: Jim thank you and we did add it and it was on the constructive suggestion from Anthony Oliveri that we address the disposal of CFL that do contain mercury in it and I am with you 100% with what you are going to do with the Village Board.

Jim Gmelin: It will have to be a education process for all of us.

Vice Chairman Sturniolo: Absolutely right, whether they break and if the Village chooses the root of having a box to recycle batteries like they

currently do maybe bulbs if they are not broken. I don't know, but obviously we share the same health concerns as you.

Jim Gmelin: Thank you.

Doug Hertz: Jim, just as an answer to your comment. My gut feeling is that all CFL's is here for awhile and it addresses the energy concern but not the environmental concern. My expectation is that we are going to see LED lighting or newer technology.

Jim Gmelin: Just like ethanol and now we are going to switch grass.

Vice Chairman Sturniolo: You can guarantee we will go back to kerosene.

Jim Gmelin: That is what the Rockefellers made all their money on, gasoline was a waste product. Thank you.

Vice Chairman Sturniolo: We have concluded everything at this meeting. However do you want to add anything?

Andrea Onciou: No I thought I would be able to get here earlier.

Vice Chairman Sturniolo: Is there any questions that we can answer for you?

Andrea Onciou: I just wanted to know what happened with the hospital.

Vice Chairman Sturniolo: We basically re-affirmed our position that we are the Lead Agency. The hospital will be back on our agenda on the 26<sup>th</sup> of August with everything that we need to see and everything that you need to see and also there are going to be some text changes to the zoning code the Village Board has been added to the distribution list of those documents as well. The hospital will be submitting everything prior to the meeting of the 26<sup>th</sup>.

Andrea Onciou: I just wanted to stop by and see what was going on. Thank you.

Vice Chairman Sturniolo: Motion to close the meeting?

Joseph Morreale: So moved.

Doug Hertz: Second.

Meeting adjourned at 10:30 p.m.

Respectfully Submitted By,

Sol Gibbons  
Acting Board Secretary

