

Minutes
Meeting of the Planning Board
Work Session
Village/Town of Mount Kisco
Tuesday, January 27, 2009

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

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

Members Absent: **Vice Chairman Anthony Sturniolo**

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

Chairman Cosentino: I would like everyone to know Vice Chairman Sturniolo is on his way to recovery. He would like to say hello to everyone and he is doing fine. We send him our best.

Public Hearing:

Mount Kisco Sports Arena
333 North Bedford Road
PB2008-16

Present:

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

Of Counsel:

Lester Steinman
David Stolman
Recused: Doug Hertz

At this time Mr. Stolman read:

David Stolman: Item A where it says the following conditions shall be fulfilled prior to the issuance of a building permit, with the construction associated with Mount Kisco Sports Arena Facility shall abide by the following operational restrictions, all of which have been voluntarily operating and self-imposed by the applicant, and the application materials shall be revised to the satisfaction of the Planning Board who requests same. Then it goes on to talk about the operating hours, 7 days a week from 7 am till midnight, notwithstanding the above team playing by participants who within the past 90 days have not taken training classes at Mount Kisco Sports Arena shall be limited to seven days a week from 7 P.M. until closing and on Sunday mornings from opening until noon. Then we talk about the total occupancy on a regular basis, meaning not a special event basis, limited to 200 persons at all times including participants, viewers, employees, etc., except by issuance of a special permit. Then we go into a section here on special event permits and the occupancy in excess will be allowed a limit of 200 shall require a special event permit issued by the Building Inspector in consultation with the Village Manager. The Building Inspector or Village Manager in their discretion may require the application for a special event permit to be referred to the Planning Board for review and approval. Such permits shall be limited to 12 per year. Special events will require that Mount Kisco Sports Arena comply with all event restrictions composed by the Building Inspector and Village Manager. Recent correspondence had suggested that a single special event permit might be issued for a two-day tournament.

Jim Diamond: Correct, because the special events would typically be on a Saturday and a Sunday combined, a two-day basketball tournament.

David Stolman: Would the Planning Board be willing to allow that.

Chairman Cosentino: The two-day event would be one event.

David Stolman: So we will clarify that in the resolution. Under Special Event Permit Procedure and Criteria, we just found out tonight that Austin has been out for a while. We were trying to contact him by phone and e-mail for information. I think we are going to have to get the resolution to say that the special event procedure and criteria will be worked out by staff in draft form to be approved by the Planning Board.

Chairman Cosentino: I do not want to hold up the resolution, so we will make it a condition to be worked out.

Lester Steinman: In talking time frame, we were thinking of getting Planning Board approval prior to that to allow the applicant to get a building permit while this is still in process.

David Stolman: Next, we have event limitations. "Mount Kisco Sports Arena will not have any non-sports related spectator events including music concerts and non-sports competition. Mount Kisco Sports Arena will not hold any events, which include a DJ or a live band. Next, no alcohol shall be permitted on the premises. Next, seating, only non-fixed seating is allowed in the area labeled as Mezzanine on the schematic, and this seating shall accommodate a maximum of 72 persons or 24 tables. Further, there shall be no wait service in this area.

Michael Gallin: Just to be clear, as part of this application it was further requested of the board, we submitted an updated plan both showing the mezzanine area with actual layout for how tables could be laid out up there and the tables in the dining area. I believe you just counted the tables as we showed here.

David Stolman: Correct.

Michael Gallin: I think the only concern of the applicant is in the event of special events...

Chairman Cosentino: Are we changing this again?

Michael Gallin: No.

Ralph Vigliotti: This is the first time we are seeing the location of the tables.

Michael Gallin: All we're saying is in the case of a special event permit where there are going to be additional people on the site as permitted, there may be an interest in having more chairs on the mezzanine area. It did not seem to accomplish anything to have the limitation locked into the number of chairs that we are showing here.

Jim Diamond: In other words, at the last meeting it was requested that we re-submit a drawing with a typical seating layout, but we were not proposing that that seating layout become a restriction. We were just showing a typical seating layout.

Chairman Cosentino: You put a number to it, didn't you?

Jim Diamond: We did not. 72 happen to be the number of seats that are shown there, but we are not proposing that be a restriction. The occupancy of the facility is being capped at 200 people. At 100% utilization, 86 people could be planned, so there is the possibility that there could be something on the order of 100-110 spectators in regular conditions, not under a special event permit.

Chairman Cosentino: There was three tiers of seating where the bleachers are or in the Mezzanine. We figured 100 feet long, 50 people on each one, which is 150 people if it was full. Then you said about 80 some odd people on the courts. If you add the 150 to the 80, plus the seating, you have over 200 already. That requires a Special Use Permit.

Jim Diamond: If the seats are occupied.

Chairman Cosentino: If you are going to have an event that is going to be successful, there is a possibility of having over 200 people. I wish you would not have said that tonight. We were willing to go over slightly, but now you're putting it way over.

Jim Diamond: We are in agreement of the restriction of 200 occupants for the facility.

Chairman Cosentino: Let's keep it that way.

Jim Diamond: We are not questioning the facility occupants. The business intends to open with no bleachers, but the board was looking for a restriction for the future in case they do want to add bleachers, and so the proposal was for 100 lineal feet. When the business opens, it is highly likely that there will not be more than 72 seats in the Mezzanine, but we don't see the logic of putting a restriction in the number of seats in the Mezzanine since there is already a restriction on the number of occupants in the facility.

Chairman Cosentino: Limiting it to 200, I think, is fine, but you may go slightly over 200. No one is going to police it, but it is a possibility. Let's leave it at that.

David Stolman: I am not advocating for the applicant but in terms of math, if there is a special event and there are 400 or 500 people okayed for the special event, would you expect there would be additional seating permitted so as to accommodate those people so you don't have all those people standing?

Chairman Cosentino: It's a special event, and he can do what he wants to do. If he needs more seating, let it be.

Lester Steinman: Michael laid it out by making a distinction between special events and regular operations with additional seating for special events. Jim, on the other hand, didn't want to pin it down even for regular events. We need to figure out where we are in terms of that.

Jim Diamond: The main concern was with limiting occupancy in terms of putting the cap of 200 people other than a special event. I'm not sure what the logic would be behind actually limiting the actual number of seats in the mezzanine on top of that. Whether it's 72 or 120, it doesn't seem to make a difference. Our thought is that it is just an additional restriction that doesn't seem to serve any real purpose but could impact the way the business operates. We don't want to create a situation where there is going to be a violation created for no real reason.

Chairman Cosentino: We have to be honest about this. No one is going to go up there and start counting people. We don't have the staff to do it, and certainly, you are not going to do it.

Ken Rudolph: If it's overcrowded, we're going to stop it anyway.

Ralph Vigliotti: I think we need to go beyond overcrowded. There has to be an occupancy rating on common space, and there has to be enough fire exits. This is something the Fire Department has to research. Also, I would like to see the types of food you are selling, the language that says fast food. This is a concession stand, not a sit down restaurant. We need to spell out with this concession stand is.

Lester Steinman: We will do that to reflect that in the resolution.

Chairman Cosentino: I have contacted the fire inspectors as well, so they will answer your questions for you. As far as the seating, if it is a special event, you do what you have to do to sit the people down.

Jim Diamond: This is just a typical seating layout. We don't know what the right number of seats is going to be. Given that the facility occupancy is limited to 200 already; can we just eliminate a seating restriction?

Lester Steinman: He wants to eliminate the language, and if the board is willing to do that.

Chairman Cosentino: We don't have a problem with that. The village of Mount Kisco takes all the mitigation on this. Is there anyway you can have a meeting with our recreation department and work together to try to find some inside sports? Possibly contact Jim Palmer and see if the village fathers are interested in this.

Ken Rudolph: We will do that.

Chairman Cosentino: I think this is a good thing for the village youth, schools and area.

David Stolman: On the top of Page 6, re bleachers; maximum of three tiers in height, maximum of 100 feet in length, non-fixed, Item I, maximum of three pay for play video

games, second item, full scale drawings that Michael will prepare and then, 3. I have to admit, when we submitted this resolution to the Planning Board it was a bit of a work in progress. Number 3 says, "The application material shall be revised to the satisfaction of the Planning Board to clearly indicate that the new parking shown on the site plan in the Town of Bedford, and the new use of the small freestanding building on site are neither proposed nor approved as part of this application and resolution." First, with respect to the parking with the Town of Bedford, I've since learned that there is an approval from the Town of Bedford for that. Secondly, it's already constructed. I think we should embrace that in this resolution and memorialize the fact that that parking is now part of the project.

Jim Diamond: We had included small 6500 square foot free standing building as part of the submission back in October of last year as a physical training studio, because it was originally approved as warehouse space. Given its location across from the village soccer field and what will become the sports arena, we know that it will not make sense for that to be warehouse space and to have truck traffic in that area. Our proposal was to include that as a physical training studio similar to the sports arena, albeit substantially smaller with the idea that it will likely become either a dance or a karate studio. We do not have a specific tenant in mind at this point. Once we do, we will submit a profile of that tenant to Austin Cassidy for review to determine if it is in fact a physical training studio.

Chairman Cosentino: You are almost cornering yourself into something that could be a problem. If the MAC has intentions of going in there, this may be a problem with the sports arena there. You are now having a lot of night and weekend programs, which makes this a bigger item right now. Most of MAC's people go in the evening, Saturdays, and Sunday. According to your application, your sports arena does the same thing. If you put another workout place in the small area, that compounds the matter more.

Jim Diamond: As we've talked about in the past, we tried to push as much of the office and warehouse uses to the north side of the building, which are busy during 9 to 5, Monday through Friday, and primarily the sports type uses on the south side of the building, which is where we have the majority of the parking for the site. This is a relatively small portion, slightly over one percent. It is 6581 square feet. A physical training studio of this size is not an intense use. Even with its proximity to the soccer field and the sports usage, we do not see a scenario which makes sense for that to be warehouse space.

Chairman Cosentino: Hopefully the sports arena will be in business by the time MAC comes in, and then we can monitor it. We would like to monitor the sports arena first and see what it does and take it from there.

Jim Diamond: Our proposal is for this to be included as part of this application. It was part of our submission that this become a training studio instead of warehouse space.

Chairman Cosentino: That is a separate application.

Jim Diamond: It has been part of this application.

Chairman Cosentino: I'm not going to let it be part of the application. It needs to be separate. I don't want two different places being one application. Unless you're the applicant and you are going to take it over, we need to know more about it. We have not talked about what is going to be in here and what mitigation it is going to take. I want to get through the sports arena. Then if you want to bring in an application for a satellite building, I have no problem with that. I cannot accept making it a part of it.

Jim Diamond: When the initial approval was put in place for the building, all of these spaces were approved as office and warehouse without a specific tenant in mind. They were placeholders for future tenants with the idea that the Building Inspector would determine at the time we filed each building permit whether or not the tenant met the requirements of an office and warehouse tenant. We are essentially saying the same thing now. Rather than office warehouse, we see this as a physical training studio. That's why we included this in this submission.

Chairman Cosentino: You may bring another application in. I'm not saying it's bad for it, but I need a separate application for a separate building.

Ralph Vigliotti: I agree. Gentlemen, I think we need to move on.

David Stolman: I need to go over three more paragraphs. Item 5, "the site plan shall be referred to the Mount Kisco Fire Commissioner for their advisory opinion, and the

Planning Board reserves the right to impose additional requirements and conditions based upon the result of that review." Moving on to Page 7, "all retail uses of the building, the buildings on the site shall be accessory to the respective principal uses of said buildings, and shall be further limited to and abide by the document above entitled 'Summary of Tenants with Consumer Sales' as a customary accessory use, incidental to principal use from the site, dated December 2, 2008. Further, prior to the issuance of a building permit for any future use on this site which has a retail component, a narrative relating to that use shall be submitted to the Planning Board for its review and approval." Lastly, Number 4, "the applicant shall approach the New York State DOT for the purpose of having the DOT determine whether the signal timing on Route 117 near the site can be modified in the interest of better pedestrian access across this roadway.

Chairman Cosentino: On Saturdays and after 4, 117 is really blocked up there. I feel that modifying that light is going to back up more traffic.

David Stolman: To change the signal timing to include more green time for pedestrians will slow down the traffic flow.

Chairman Cosentino: That's the problem. Do we really need 117 to be backed up more than what it is now?

David Stolman: Maybe before there is any approach made to the DOT, there should be a unified point of view by the Planning Board and perhaps the Village Board.

Chairman Cosentino: I agree. We are not making it better, we are making it more of a problem there, I think. This really has to be studied and the burden should not be put on Diamond Properties.

Lester Steinman: We can delete it from this resolution but hold it as a future consideration.

Chairman Cosentino: I think that's what we have to do. I can appreciate the people across the street, but they do have a light now where they can cross. I'm sure they don't want North Bedford Road backed up any more than we do. We can save it for a later date, question it and come back to it.

Ralph Vigliotti: Is the light green for a majority of the time on 117, and it is actuated by a car?

Chairman Cosentino: When a car comes up Ice House Road it actuates it.

Ralph Vigliotti: If a pedestrian is trying to cross the street, the light technology doesn't know that and it will continue to stay green for quite a bit. Is there a button on the pole?

Chairman Cosentino: That's what they would put there.

Michael Gallin: That was originally proposed to the DOT and they rejected it because it messes up the sequencing and the synchronization.

Ralph Vigliotti: But if we have a group of children taking over the soccer field, they want to cross over, and that light is green for three to eight minutes, they are just going to run across the street if there are no buttons to push. We need to take a close look at that.

Chairman Cosentino: Also, is there anything in the resolution that indicates patrols and directing traffic if there is a special event?

David Stolman: We are going to be working the criteria and the procedure into the resolution.

Chairman Cosentino: We need to have the same thing for Grand Prix on that where we use our police department and they would get paid accordingly.

Ralph Vigliotti: I'm kind of caught on this. Are we saying that we don't have enough technology on the traffic light signaling so it reactivates itself according to a sequence after a child pushes the button to activate this light to cross the street? It can't go back into its routine? That technology doesn't exist in traffic lights?

David Stolman: I'm sure it will go back into its routine.

Ralph Vigliotti: I am not a traffic engineer, but I want to make sure. We created a ball field there for those kids across the street. If that light is going to stay green for whatever time it may be, they are just going to run across the street. Now they have a larger reason to do that because we now have a sports complex. We had something in mind when we took ownership to the soccer field, which is a wonderful piece for the kids. I want to be able to have them get across the street safely and not run between cars because the light doesn't change for them.

Chairman Cosentino: That's why we need the study.

David Stolman: It's a point well taken, and my partner is a traffic engineer, so I will approach him with this and we will get back to you.

Stanley Bernstein: Why aren't we pushing for a pedestrian overpass? That's the only way to solve this situation.

Jim Diamond: In a previous application two years ago, we did talk about people potentially walking to the ball field, and the determination made by the board at that time I believe was that you did not in fact want to encourage people to walk to the ball field, because it was determined that there really was no safe way down Ice House Road to walk, as there are a number of curb cuts on either side that could not be eliminated because they are for all the buildings along the street. There was a determination at that time that there was a preference to have parents actually drive their children to the ball field. The ball field is primarily used for organized recreational activities sponsored by the recreation department on weekends.

Chairman Cosentino: We still want to study that so Mr. Vigliotti knows what the procedure is on it.

Joseph Morreale: I notice where you put the concession, and obviously there is going to be a kitchen. In case of a fire, where are the emergency exits?

Michael Gallin: There will be additional exits out the back; the quantity of them is not shown on here. All of these tenants are organized in such a way that there are emergency doors out the back. As a general piece of information, you have to accommodate 50% of the occupants out the front door. The logic being that most people will go towards the front door, but there will be additional exits all along the back with a few in the front as well so that we can get a lot of people out of each facility.

Chairman Cosentino: They also don't show handicap parking either, but they have to show Austin and then Austin has to submit.

Lester Steinman: Procedurally, we are still in a public hearing.

Chairman Cosentino: Is anyone in the public here for Mount Kisco Sports Arena?

Motion to Close Public Hearing:

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

Lester Steinman: The next step is to comply with the State Environmental Quality Review Act. You have before you attached to the resolution a composed Negative Declaration.

David Stolman: The last two pages of the Negative Declaration. We did the rationale for the findings that the Planning Board makes as part of the Negative Declaration that there is really no significant adverse environmental impact.

Motion indicating no Significant Adverse Environmental Impact as part of the Negative Declaration.

**Motion: Stanley Bernstein
Second: Joseph Morreale
Aye: Ralph Vigliotti
Aye: Sol Gibbons**

Aye: Joseph Morreale
Aye: Stanley Bernstein
Aye: Chairman Cosentino

Motion to Accept Resolution as Prepared and Amended tonight for the Mount Kisco Sports Arena at 333 North Bedford Road, Application Number PB2008-16

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

Chairman Cosentino: Congratulations gentlemen. We look forward to continue working with you.

Continuing Review:

CVS Pharmacy
10 South Bedford Road (421 Main Street)
PB2008-17

Present: Neil Alexander, Esq., Cuddy & Feder on behalf of the Applicant
Shannon R. Rutherford, P.E., Project Manager,
Vanasse Hangen, Brustlin, Inc., Land Development
Timothy Henrie, Project Coordinator, Larson Design Group

Neil Alexander: We last left with Mr. Vigliotti wanting to see some renderings to get a better sense of the aesthetic and how it all ties together, which you received in your packet. We received a non-jurisdictional determination from DEP. I think we've worked through most of Anthony's issues pretty close to satisfactorily. I know we need some more discussion with Nanette on landscaping tonight at some point.

Timothy Henrie: On the front of the building we are adding two gable group areas over basically what were the existing vestibules on either end, where the entrance doors come in.

Neil Alexander: We went to the ARB, and had a very productive meeting with these revised facades, as they approved the prior ones. They asked us to put together a mix and match package.

Chairman Cosentino: So you are not complete with the ARB?

Neil Alexander: I believe this one you're looking at is exactly what you're going to see. It was sort of what we were directed to. We hope to go on the 18th of February.

Shannon Rutherford: They wanted additional options on the columns for the bank. They had no comment on the balance of the façade.

Neil Alexander: The changing of the bank window was expressly their suggestion.

Timothy Henrie: The roof is basically staying how it is except for the two ends where the gables are added with the windows above. All the windows would be the same across the front of the store with the entrances on either end, how they are now. The bank elevation would also be updated to match the other on the CVS part of the building and the columns would be then also wrapped to match the columns across the front of the CVS building, except they would be larger than these across the front. The entire finish on the side of the building is proposed to be recovered and display windows added to the front half/third of the building.

Neil Alexander: Just to clarify, they are inserts. You are not actually going to see into the store, but it's going to give an aesthetic as if you were looking into a store. We had a fair amount of dialogue with the ARB on that, and they seemed pretty comfortable with it and liked the idea of breaking it up to create a window box effect. No product will be in there.

Doug Hertz: What is in there?

Timothy Henrie: A faux graphic that would basically look like you would be looking into the store, but you won't be.

Joseph Morreale: So there won't be advertising posters?

Shannon Rutherford: No. The intent of it, and there has been some discussion with the ARB back and forth on this, and I think at the end of the day we may leave it as a condition for the ARB to have a final say as to what exactly the graphic is in those window boxes. The intent that CVS has been going with lately and has been very well received in some communities is that these graphics are photos that they have taken through the interior of the building and then these graphics are placed within these window boxes and lit, so as you are passing by and driving by it has the appearance and illusion that you are actually looking into the store because you're seeing sequential product aisles. We don't have to use that particular graphic. The idea is to provide some light and some architectural interest on the side of the building. The graphic itself is open for discussion and the Architectural Review Board is working on it, and we're going to work through that.

Chairman Cosentino: We will leave it to them.

Joseph Morreale: I like the design. I think you've done a real improvement on the front and the fence. I have an issue with the location of the building and the way one sees it as one drives around the community. If you're coming north on 117, this side almost looks like a storage area, a warehouse. Aside from your four windows, that's pretty bleak. My concern is that is a very open area that is almost like an entranceway into the village. It doesn't look that way. It lacks a great deal. I am also concerned that it's a great wall to have graffiti on because it's plain, blank, open and seen, which I think you're going to have to think about in terms of maintenance. Is there anyway to dress that up a bit, so that when we're coming at it from both directions?

Chairman Cosentino: Ultimately we can suggest, but it does go back to the ARB.

Nanette Bourne: What is in your purview are site issues, such as landscaping.

Chairman Cosentino: I think Dr. Morreale is looking for maybe some taller shrubs alongside the building. Is that what you're looking for?

Joseph Morreale: I wasn't. I was looking for something decorative. Where you are located is such as signature intersection for the village. It's also the opportunity of the re-design of the hospital. I think more thought needs to go into that.

Neil Alexander: This whole area is now going to be landscaped. You're also going to have parking here and here in a way that is not really optimizing used right now, which will also break up the wall to a certain extent by the existence of the cars and the greenery in front.

Ralph Vigliotti: So the cars are going to break up the look of the wall?

Neil Alexander: To a certain extent, yes. You're not going to see the wall from the bottom up.

Ralph Vigliotti: I agree with Dr. Morreale. It is certainly a cornerstone building and that front of the building with the new fence really looks top shelf. I commend you on that new look. The side of the building does not in any shape or form match the front of the building. I'm not saying you need to change the roof structure or add on dormers, but I don't think a painted concrete block suffices. I think it should be a brick veneer or something. This is the south entrance of this village. It is probably one of the more keystone entrances of the village than any other entrance because of the number of cars that will actually sit in that intersection, more than any other intersection in the village. Everything that you've done, and everything that CVS wants to portray in our village is what you're showing in the front and with the major consideration that you've taken with the retaining wall and the change now with the fence system which really is a night and day change. The side of the building, however, requires a closer look on that entrance to the village. The hospital renovation across the street will have a completely different look and this wall, as it gets worn, will kind of look like a warehouse in need of painting and repair. I remember when they painted it the first time, everyone said how nice it looked and six to nine months later it looked terrible with graffiti on the wall and peeling paint.

Stanley Bernstein: I don't like the look of it in contrast to the front.

Shannon Rutherford: If I can, I'm going back a little bit because we have come so far, and I think you can appreciate the level of effort that CVS has put into this. I appreciate your acknowledgement already of the effort that has gone in on the front façade and what had been indicated to us, understanding that we have two straight fronts. That has been adequately conveyed along the way, with the upgrades to the retaining wall and the improvements to that, so that we don't have just a gray wall that we're looking at. The improvements with the railing; we've provided the details on the spec rail so that we're now compliant from a safety standpoint as well as providing a very professional and aesthetically pleasing rail that is going to perimeter the entire street front for the Village. CVS is not getting an aesthetic benefit from it, this is not on their building. It's at your corner. It's viewed exterior to the street front. It is providing a very nice picture from the corner. A great deal of landscaping has been provided. If you recall here, these parking spaces virtually come right up to this wall here at this particular point in time. Trees and shrubs that have been provided for seasonal interest as well as height variations throughout. At this entrance, the intent that we discussed at a previous meeting in October, we had to make a decision. CVS has a limitation from a financial standpoint. This is really what we're getting down to here. We focused on the façade here, provided an improvement here. No, there is not a focus here but it's not where the entrance is either. We provided the additional landscaping, the wall and fencing improvements. As you're coming up, I respectfully submit that the angle at which you're going to catch the building in glimpses. It will truly be glimpses of the building. You're not stopped here, looking at that building at any point in time. Your eye is catching the retaining wall, catching the fence, catching the landscaping. It's here - as you're sitting here at the intersection and looking down at this that we paid attention. Again, the retaining wall, the fencing and that façade are the noticeable improvements. We discussed it back in October. I realize that was awhile ago, and I realize we asked for the extension, but that's where the angle of the rendering came from as far as where our biggest concern is and how this is going to look from the intersection. The drainage improvements that we are making at the rear of the property in an effort to alleviate some of the issues that are continuing to go on in the park to the south of us. I respectfully submit that there is a limit, and we have hit the limit with CVS as far as really how much we can go back to them and have drastic changes to this façade.

Ralph Vigliotti: So you're saying a brick veneer is a drastic change?

Shannon Rutherford: It's costly.

Neil Alexander: We can't get the cost. That cost won't go in the budget. Shannon has eloquently told you.

Ralph Vigliotti: I'm not going to be as eloquent. I'm going to say that you are not going to get my vote unless the façade has a similar look as a second front to this village, that it has a sophisticated look, whether your glimpse of the eye is heading north or not, and it's more than a glimpse when you're sitting in traffic there three to five minutes. I respectfully submit to you as one member on record.

Neil Alexander: We will bring your ultimatum back to CVS and see what's going to happen. They may disappear for ten years. I am not in a decision making position.

Ralph Vigliotti: Neither am I.

Neil Alexander: I have been told this project is out of money as far as how much more they can do. I don't know how badly they want it. I don't know what their build plan is for this year. They may say we'll see you in seven years. I've had plenty of national retailers do that. Where we get to a point where we can't get it, they know what you want, and when they get the budget and the economy comes back, they'll come back in seven years and probably give you what you want.

Ralph Vigliotti: Correct me if I'm wrong. I think you're before us because of the rear entrance that you want.

Shannon Rutherford: Correct. We understand.

Neil Alexander: I understand where you're coming from. We don't get to make that decision. We can step away and step back and breathe and get a sense, while I know every member of this board would want that. I know that. Why not ask for the

Panglossian solution? I understand that. The question is where does the rest of the board sort of fall down on the notion of nothing and whether you want to characterize this as half a loaf, three quarters of a loaf, whatever you want to characterize it. That's sort of the decision that is in your purview.

Doug Hertz: Can you discuss the various landscaping that goes along 117 from the southernmost entrance? Can you talk about what is low and what items will be vertical? In these sketches you've removed all the street trees.

Shannon Rutherford: I could not get a clear picture.

Doug Hertz: I understand. Let's talk about what will be there.

Shannon Rutherford: Actually, looking at the landscape plan, the large tree to the south is a Valley Forge Elm. That is going in to 2 to 3 caliber and it is a shade tree. That will grow 20 feet if allowed to grow to full-grown.

Doug Hertz: When it goes in, what is your guess?

Shannon Rutherford: A 2 to 3 caliber is typically 8 to 12 feet, depending on the actual caliber.

Doug Hertz: And it's elm, so it's deciduous.

Shannon Rutherford: Correct. The larger four perimeter trees will be deciduous trees. The next one in line is a pin oak and the next is another elm. They alternate. Then these two that are coming in here that require DOT approval, which we have our paperwork submitted to the DOT, will be pin oaks as well.

Doug Hertz: So we will have seasonal break up of that vista.

Shannon Rutherford: Correct.

Doug Hertz: So then the rest of the landscaping in here is all going to be relatively low?

Shannon Rutherford: There are ten rhododendrons that will be three feet in height at planting.

Doug Hertz: So you will have some things that will cover car height?

Shannon Rutherford: Exactly. There is nothing that is going to be building height. We are using the evergreen to surround the dumpster area. We would certainly be open to changing some of the planting around.

Neil Alexander: Obviously that is an easier thing to go back to. These three trees were changed to something that was coniferous and not deer food. That is easy and would unequivocally break it up.

Doug Hertz: You have a surplus of parking by at least a couple of spots. I'm wondering about across the way, literally up against the building in that area as a way to break up that façade in a way. I'm tossing it out as a thought.

Shannon Rutherford: We will certainly discuss that.

Joseph Morreale: Won't you lose all the parking?

Doug Hertz: Not the entire row.

Joseph Morreale: Even if you did that, for the most part you're going to see metal against stone. Cars against a stonewall, no matter what time of year you're looking at it. Even if you put in little islands, they would not make that much difference. That's the concern. I'm surprised at the reaction you've given us because you are very much trying to make this a real signature type building and it's in a wonderful location. I don't quite understand the resistance to what we're suggesting. We are really trying to show a finishing of a wonderful building in the village.

Neil Alexander: Within the context of the fact that even in the first three weeks of this year the Dow is down ten percent. I know that pressures we're feeling, and I understand what you're saying. We are going to try and make a marriage here but we can't go where Mr. Vigliotti was going which is essentially making as strong on both

sides. I know that is going to get rejected. Chicago flew in for the ARB meeting because it was very important and we thought we had gotten to some level of understanding aesthetically with them and they seemed quite supportive.

Stanley Bernstein: Mr. Alexander I am very well aware of the Dow. We've all been hurt by it. I know CVS is not immune. Are you intimating that if this project doesn't go, it's going to remain an empty shell for seven years?

Neil Alexander: No, the building is operating right now.

Stanley Bernstein: But if it's not approved your intimation is that it's going to remain an empty shell until they're ready to go with it?

Neil Alexander: No. What I'm saying is we have a C.O. for an existing operation that is there right now, and essentially if we can't make it come into budget, I would think that they'll put it back into play when they put it back into play.

Stanley Bernstein: What would be there before they put it back into play?

Neil Alexander: I don't know.

Stanley Bernstein: You're the contract vendee.

Neil Alexander: It's open.

Stanley Bernstein: I'm well aware that it's open. I see their 24-hour sign all the time, which grates on my nerves. You are the contract vendee. You don't own the property.

Neil Alexander: I don't understand where you're going. I'm sorry.

Stanley Bernstein: Does CVS own this property?

Shannon Rutherford: No they do not.

Whitney Singleton: They have a long-term lease.

Stanley Bernstein: So in other words, if they're financially strapped under the situation they would have to give up that lease and let something else come in.

Neil Alexander: I think what they're saying is that the P & L on the store isn't such that it warrants all the improvements up to the point that you've discussed tonight.

Stanley Bernstein: So then what would you give us?

Neil Alexander: We wouldn't give anything.

Stanley Bernstein: Without any of the other improvements?

Neil Alexander: Yes. You would get nothing.

Stanley Bernstein: Okay, you give nothing and you get nothing.

Shannon Rutherford: Correct.

Stanley Bernstein: This is my feeling. I'm not an architect and I'm not on the ARB, but I've worked in building construction for 47 years and built some really nice buildings in my day. The aesthetic of this is horrible. You have a brick veneer on the right hand side of that gable looking at it. I see no reason what that brick veneer cannot be curled around the side, those idiotic four windows are taken out as they serve no purpose and the front windows continued, even if they're fake, in the same vein all around the sides so it looks like one continuous building and the brick veneer above it in a wainscoting type situation with the windows beneath. That would at least be aesthetic. I don't think it fits in with Mount Kisco at all and if you can't afford it, don't. Close up. Do what ever you have to.

Chairman Cosentino: My question to the board is, is it better that way than what it was?

Ralph Vigliotti: With all due respect, Mr. Chairman, when we were working with the hospital across the street and we asked them to do certain things to make their parking

structure, the façade of their Emergency Room and the berm, parking lot, etc., it was, yes whatever they could do was going to be better than what we had. They certainly didn't give us the opportunity, as you have, to say it's either our way or your way, it's not going to happen. They work with us. You've been working with us. We are down to this last side. We are talking about two fronts to the village. We've welcomed you into the village. I've been to that store more times than I can tell you. It's a wonderful situation, but the bottom line is this is a keystone building at the south end of the village. This is our opportunity as a Planning Board and Architectural Review Board to make this the building that people see when they enter this village. I want to see a finished building and not something that looks like they ran out of budget.

Shannon Rutherford: If I can summarize it from a consensus. You understand it is not our decision. I know you know that. I understand there is a consensus, and now what I want to try to do is get to a happy medium so that if I go back to CVS one more time with something and they take pencil to paper and can come up with something in between. I cannot give you a full brick façade. I can virtually guarantee that.

Chairman Cosentino: I am not disagreeing with Mr. Vigliotti on this. CVS has one of the best stores there out of any store they have. They have the medical group, the offices across the street and the hospital. There are a lot of people that never went there, including me that never went there before because of what the surrounding area has to offer. We are the melting pot for all medical buildings. CVS knew what they were doing otherwise they wouldn't open up two stores. So, a threat of them moving out; this board doesn't buy. We want them to stay and we want to move forward. I think we're getting somewhere. Let's finish the process. I think if you talk to CVS you want this to happen. We don't want them to move. For CVS to put veneer brick on the side of that building is money well spent for the village. We like the building so far, and there is one piece that Mr. Vigliotti and Dr. Morreale are talking about. They should let that happen.

Neil Alexander: We want the same thing.

Doug Hertz: My take on the synopsis is the concern that you have a building that really presents it's side and your graphic boxes in all due respect are kind of "hokey."

Shannon Rutherford: It works in some areas and doesn't in others.

Doug Hertz: If the building were set very far back and you didn't get a good look at it that would be different. Those things are as close to the road as any spot.

Stanley Bernstein: The windows on the west side are costly. They were probably pretty close to equal a wainscot of brick veneer across and a continuation of the front windows all the way around. I'd like the front windows continued all the way around and the brick veneer above all the way around.

Chairman Cosentino: Look at the brick that they just did on the library here above the foundation.

Stanley Bernstein: I don't see the cost being prohibitive.

Shannon Rutherford: There needs to be something to support that bricklayer.

Timothy Henrie: You would have to dig down and put a new foundation in to support the brick.

Stanley Bernstein: If you bring the windows across with a lintel all the way across that will support the brickwork above. It's only about six or seven feet.

Timothy Henrie: False windows or real windows?

Stanley Bernstein: It doesn't really matter. If you put a heavy lintel over there and put windows below, whether they're false or otherwise, you can leave the existing wall and just bring the brick veneer around and the windows around. The lintel will support the brick.

Doug Hertz: I think we're looking for a feeling that the architectural details in the front of the building are wrapped around the two sides so that it presents two fronts.

Neil Alexander: Would you be supportive of a sign on that side then, too?

Chairman Cosentino: No. Signs aren't us.

Neil Alexander: I understand, but hear me out.

Shannon Rutherford: I need a hook for my attorney.

Neil Alexander: If it's supposed to present as two fronts, you need a sign.

Stanley Bernstein: I would not mind the same sign that is there.

Neil Alexander: That may help us with the sales pitch.

Doug Hertz: I have no problem but again I don't want to go up against the ARB.

Shannon Rutherford: A sign does not come back in front of the Planning Board again, am I correct?

Whitney Singleton: I don't want there to be a misunderstanding with regard to signage.

Neil Alexander: We would like to get three signs. One at the rear entrance, one at the front and one on the side, which is supposed to present like a front.

Ralph Vigliotti: Folks, you know where we are coming from. If this were a municipal building, there would be four terrific sides to this building. This is northern Westchester. We expect some kind of sophistication to the construction of our buildings. I know you know where we're coming from.

Shannon Rutherford: I would like to come back to the windows. If we're going to wrap these windows or a portion of the windows around the building, they would have to be false windows and we would mount them most likely to the exterior of the building with a white wall behind them and not bother with any graphic in them and leave it.

Stanley Bernstein: I'd have to hold back on the graphic.

Ralph Vigliotti: I don't think you want a graphic.

Stanley Bernstein: I don't think matters, as long as you see a window.

Chairman Cosentino: We can't make a decision on this, it's up to the ARB.

Shannon Rutherford: I understand, but I have to get something back to CVS because we've got a February 4th submission.

Chairman Cosentino: We told you what we like. You have to go back to the ARB. We want a brick and window façade on the side.

Shannon Rutherford: I just want to make sure that we understood from a window standpoint if I can get them to deliver what it's going to be.

Nanette Bourne: I think another way to underscore what the board is looking at. You have a parking space, a concrete curb, a concrete sidewalk and your building.

Shannon Rutherford: Right.

Nanette Bourne: So, normally if the board were to approve this as a new building, they would be looking for some landscaping treatment that would be between the concrete curb and the building. Right now what you have proposed here, even though your drawing is very attractive and I appreciate all the work you've done, I think that relationship needs to be softened. It's just too hard.

Shannon Rutherford: I'm going to come back to when we discussed this previously. We have an existing condition because right now the parking is head in to the building and head in to the street with a narrow drive out. There were some concerns as to the traffic. Was it one-way, two way, and can we really support two-way traffic? We'll go with the one-way traffic pattern and angle the parking appropriately and that allowed us to pull the parking then out from East Main Street and not have it right up on East Main Street and provide the landscaping there, from it's original standpoint, in order to provide the parking, service the store and service the customers. I can't do both.

Nanette Bourne: We don't want both.

Shannon Rutherford: I understand. Dimensionally, I can't create spaces.

Nanette Bourne: That's your challenge, to try to choose.

Neil Alexander: That mission seems impossible.

Shannon Rutherford: There is a choice that has to be made. We can have the landscaping up against East Main Street, or we can push it against the building. The thought was that if it was up against East Main Street, then it is shielding a portion of the parking. Admittedly, not all of it. I'm not going to pretend you're not going to see any parking, but it's shielding more if it than if we push the parking up against the building.

Nanette Bourne: The board was talking about maybe taking one of those spaces and using it for landscaping.

Shannon Rutherford: I have some latitude with a handful of spaces, keeping in mind that there is snow storage requirements that we also have to meet for the municipality.

Nanette Bourne: Maybe that is one way to accept the challenge.

Doug Hertz: I think the problem is that we have two front entrances to this building, and by creating this new back entrance you're encouraging the use of the Main Street entrance, because it is now going to be easier to get in that way and go directly to an entrance. Now that we're going to be directing traffic to the 172 side of the building and to the rear of the building for entrances, we really do create a two front situation. Ralph makes a very good point, which is you're never really whizzing by that place.

Shannon Rutherford: I understand what you're saying in the afternoon drive time and you're waiting for other vehicles to move through.

Doug Hertz: To me, the building feels like two buildings. If you're looking from the front façade, it has a nice country look, soft, gables, natural materials, etc., and then you come around to the other side with a much harsher, sharper edge palette. It's a very different industrial look. It doesn't feel consistent and I for one don't want to prescribe a specific solution to it, but I think the point everyone is trying to make is to bring the feeling of the front façade around in whatever way you can make that happen; perhaps to break it up to bring in more landscaping, you can give up some of those interim spaces; anything can help to minimize the feeling of this large unadorned look.

Shannon Rutherford: I respect what you're saying as far as all the architectural decision does not rest with this board, and at the same time understand that we've been to ARB and they said, okay, great, just do something with these columns for us with the bank and we're all set. We are coming here and getting a distinctly different impression, and we need our approval from you in order to get there. That is why I'm asking these questions, to try and get as much information. I understand your reluctance, but at the same time I'm not getting that same feedback from the Architectural Review Board.

Joseph Morreale: Understand something when you went to the ARB we have to look at visual impact.

Neil Alexander: We're not fighting with you over it, but basically Shannon is saying she wants more feedback because the ARB was acceptable with this.

Doug Hertz: We've run into this kind of situation occasionally. Usually what the ARB does and what we do are very much in harmony. If the concern is that you're being directed into two different paths, we can try to coordinate.

Neil Alexander: They were finished, and they were fine with it. I think also what Shannon was trying to bridge is if you can get a bunch of feedback from you and get a good strong feeling that you're going to like it when we come back.

Ralph Vigliotti: You got all of that tonight.

Shannon Rutherford: I am trying to hit a compromise understanding that I can't give everything on the front.

Neil Alexander: It also sounded like the dormers were not the key element. It was bringing the windows around and then maybe dressing up above it, because you could hang that on the windows.

Chairman Cosentino: I'm not trying to design the building for you, but if you took the gable, which to me looks country looking, and came on the top of the ridge of roof, with a full gable right across to look like that gable, you'd dress up the whole side of the building. Bring in the gable straight across the top of that roof all the way to the other end, you'd dress up the whole side.

Timothy Henrie: You would want a mansard roof basically all the way down the side.

Chairman Cosentino: Yes, across the whole side and match the brick.

Shannon Rutherford: Will it structurally support?

Chairman Cosentino: It would, and having the brick there and the façade there going straight across would make it one of the nicest buildings in this village.

Nanette Bourne: I would say have your architect look at it.

Shannon Rutherford: We want to finish it up and get into construction and have the new façade done and be ready for the holiday season next year. In order to do that, we've got to progress this, particularly with the ARB meeting once a month. Thankfully we have finished with the New York City DEP and we have the DOT.

Chairman Cosentino: CVS liked the idea of opening before they even came to us.

Shannon Rutherford: Absolutely. I understand.

Neil Alexander: Procedurally, this is exempt from SEQRA, it's less than 4,000 square feet of non-residential space, and under code a public hearing is not needed. We're creating nothing. I am trying to get a sales package so I can get back to CVS and say to them that this board conceptually, if they see what they like, agrees that this could be a Type II exempt action, there is no need for SEQRA, there is no need for a public hearing and if we give them what we want we can come back in a meeting and get this done, as opposed to getting six meetings.

Chairman Cosentino: Absolutely.

Shannon Rutherford: We need to understand that there is no other comments coming in forthcoming from Planning and forthcoming from Engineering.

Chairman Cosentino: You know what we want. Get it done, come back and let's finish it up.

Whitney Singleton: Is your sign compliant?

Neil Alexander: This one is legally non-conforming and we're going to use the amortization period for the one that's out there right now.

Whitney Singleton: I'm talking about the side of the building.

Neil Alexander: We didn't show a sign on this side. Signage is not part of this package. We are not trying to do signage right now. We know we're going to have to come back.

Joseph Morreale: Don't leave us thinking that if you just put a few trees in front of that wall that is going to satisfy.

Shannon Rutherford: We understand. You need a physical change to the wall in addition to some trees, but my understanding is there are no further comments from the engineer?

Anthony Oliveri: I have three minor corrections, technical notes, and I will e-mail you with it.

Shannon Rutherford: Okay.

Nanette Bourne: The only issue Whitney and I were talking about is there is an assortment of old sign poles on the site that need to be cleared out.

Chairman Cosentino: On code enforcement, we had a couple of complaints. Can you clean the place up a little bit?

Shannon Rutherford: Clean it up?

Chairman Cosentino: Yes. It's a mess. I told the Code Enforcer I would talk to you about it.

Nanette Bourne: That would be a condition of approval.

Whitney Singleton: The applicant is going to return to this board with modified plans. You're not giving the applicant specifics and that's where the modification comes in.

Shannon Rutherford: With the understanding that there are no outstanding comments. I can get in touch with the Engineer to clarify that. Thank you.

Continuing Review

**Filippo Simone
127 Barker Street
PB2006-05**

Present:

Dan Simone, on behalf of the applicant

Dan Simone: Good evening. Hopefully this one will be short. I didn't inundate you with paper, but the board requested some additional information on entrances and site distance and maneuvering which I wanted to go over briefly with the board before we went to finalize anything. We have prepared two alternates for you to look at. Alternate One is a modification of what was originally proposed. Some of the board members had concern about the 180° westbound entrance to the property and conflicting traffic at the proposed entrance. We shifted the driveway back to accommodate that without having a vehicle have to cross a double yellow line to do that maneuver. Also shown is the three-point turn at the rear of the property. One of the board members brought up possibly a dual entrance as an alternate; single entrance, single exit, which is shown in Alternate Two. This provides some benefit because it relieves an issue of conflicting traffic movements at the one entrance. It also pulls any waiting vehicles that may want to enter the property away from the intersection, driveway, office building, gas station and turn lanes. That is the benefit of Alternate Two. Both work, from a traffic scenario, so it is kind of the board's purview on that one. Someone did mention the possibility of moving the entire driveway up, both in and out, and I did provide some photographs to show you. What you can see from the photographs is that there is a hedge that follows the sidewalk and it's quite overgrown. While now you can see quite far up the road, as soon as that blooms you will have no visibility at that location.

Joseph Morreale: The site visibility like for Alternate Two; of a car coming down the hill and one turning in the entrance, making a left into that entrance?

Dan Simone: That visibility is much better than if they were making a left into the lower entrance, because they are right at the bend and they look all the way up to the stop signs.

Joseph Morreale: I'm talking about the cars coming down the hill.

Dan Simone: Much better. They see all the way from the intersections. The first photograph is the site distance line from the lower driveway. That oncoming car would see 150 feet as opposed to if it were in the road, entering the driveway at the upper portion, it sees all the way down the hill.

Joseph Morreale: So that's actually safer, the upper one?.

Dan Simone: Yes. It is a safer entering movement, but not for an exiting movement.

Joseph Morreale: Making a left?

Dan Simone: No. If we were to combine that into a full movement it would not work. One way in.

Joseph Morreale: Coming out at the bottom, can you go left or right, or just only right?

Dan Simone: You can go left or right. The 150 foot contemplates the left hand movement. You have the same site distance either way. One is not better than the

other. There is a longer movement, obviously to make a left hand turn out than a right hand turn out, but the visibility is the same for that vehicle.

Joseph Morreale: What are the odds of a collision as a car makes a left turn out of the exit with a car coming down the hill, then? Do you have a 150-foot view? You're coming around a bend here.

Dan Simone: If you look at the photo from that vantage point, you can see where the fence ends on the adjoining property right here. That is where the site becomes visible on the road, and you see the site line as it's drawn here is actually in front.

Joseph Morreale: In the winter.

Dan Simone: Winter or summer, because the site line is maintained over the driveway and it doesn't encroach on the bushes.

Joseph Morreale: So you're pretty comfortable that cars coming around the bend there would see a car coming left up the hill?

Dan Simone: Yes, and I know you had some questions regarding the trees. You can see from those photographs the canopy is much higher, so there is no underbrush that obscures it in that site line. That is one of the other reasons why we proposed just grass along that frontage with some low shrubs at the entrance, because it's a straight through run.

Joseph Morreale: I personally very much prefer Rendering 2 then. It's the best rendition I've seen of this corner.

Dan Simone: It does alleviate conflicting movements here.

Stanley Bernstein: The double line coming down the center of Barker Street; does that separate the eastbound and westbound traffic?

Dan Simone: Yes.

Stanley Bernstein: So, you show no vehicles in the westbound side. Is there a possibility of making a right turn coming west from the Bedford direction; going east to west making a right turn in the driveway crossing the traffic line?

Dan Simone: That is what's shown.

Stanley Bernstein: What about a car coming this way making a left?

Dan Simone: It's not shown. They would make the same mark. The only reason I showed that is because that is the critical movement.

Stanley Bernstein: I remember the original proposal many years ago. The driveway further east was shown as an in and out.

Dan Simone: You're absolutely correct. It was similar to Option One.

Stanley Bernstein: It was a two-way driveway. The board didn't like that because of site lines and because of the hedge, and they wanted you to move as far west as you can with a double driveway.

Whitney Singleton: The original application had no frontage on Barker whatsoever. You had to come out through the Mobil Station. I believe that on the second go round you approached it with a restriction that all ingress and egress had to come out of the most western point.

Doug Hertz: Didn't we have this discussion recently that the change has been the multiple stop signs along Barker?

Stanley Bernstein: There were no stop signs then.

Ralph Vigliotti: We now have two stop signs, and the two make a difference as far as visibility.

Dan Simone: The critical site distance from that location was looking up the hill, and you are correct. What were small hedges 12 years ago are now worse. They are kind of

trees all along that frontage. There is no way that adequate site distance could be achieved.

Doug Hertz: Based on these diagrams, my preference would be to go with Alternate Two, because I think it does provide a safer situation. My concern, and the photographs bear it out, is that it is very bare along here, and now you're creating two holes to sort of see through into this space. I would love to be able to get some landscaping that would go behind the site line so that we can buffer a little bit of this view. My concern is that with two entrances in such a short space, all the blacktop will look like a very open situation. When you take this 150-foot site line, obviously everything has to stay low, below eye level there. But, there is space in these islands behind it where something can be created that's a little higher, so that this doesn't become so flat.

Dan Simone: I tried to pull the driveway in more to define the in and out and also create a place where we could do some landscaping. You could do quite a bit next to the handicap space. You also have a lot of opportunity in front of the site line, especially between the two driveway splits to put something, which would break up that visual, keeping the grass behind it to maintain the site line.

Doug Hertz: If we go with Alternate Two with all the cuttings, are you going to lose these trees?

Dan Simone: No. With a single line I can snake that in here. This is a fill area, so we would use a structured fill over the root systems, which would maintain it. There are not utility connections through there, so it's really putting the driveway in a 12 foot width. We should be able to maintain those trees without really damaging them.

Stanley Bernstein: Since this is a new building, have you given any thought to environmental guidelines, carbon footprints, etc.?

Dan Simone: I have not given any thought to it with this applicant. I agree with you. I have a two-day seminar on geothermal energy.

Stanley Bernstein: If there is something you can do, and also consider the driveway and parking lot to be a pervious surface of some sort. There are a lot of new materials on the market, and some of our applicants are going with it. Anything that can improve this environmentally to any degree.

Dan Simone: I have to take care of some comments with DEP, Anthony and Nanette, and then I would ask to be placed on another agenda.

Anthony Oliveri: I see the turning movement in the back for cars is very tight. I don't know if you could do anything to alleviate that situation.

Dan Simone: I widened the driveway to 14 feet there, just for the out swing off to give it a little extra room. I can technically eliminate Parking Space Nine and still have nine spaces for the building and give the out swing more room.

Anthony Oliveri: If you have a car in nine and eight, I don't see someone making a turn there.

Dan Simone: If I eliminate nine I can curve the curb a little.

Joseph Morreale: This parking is underground, in the basement. Is it possible to shift it east?

Dan Simone: No, because I'm coming down the hill. It's too high. Elimination of that one parking space should give it a lot more room.

Anthony Oliveri: Do you have the same distance behind the building that you had before?

Dan Simone: The back line is the same, I pushed the front back.

Anthony Oliveri: I'm thinking of your configuration of your Cultec units.

Dan Simone: I didn't change any of that in the back.

Chairman Cosentino: As there is nothing else, we will continue to keep you on the upcoming agendas.

Dan Simone: Thank you very much.

Correspondence:

- Letter from Austin Cassidy, Building Inspector, to Oakwood Cemetery (Howard Kensing) dated January 9, 2009 regarding Notice of Denial - Site Plan Application, 304 Lexington Avenue
- Announcement from New York Metropolitan Transportation Council dated January 16, 2009.

Whitney Singleton: We have not heard anything back from the cemetery.

Chairman Cosentino: He has a letter of denial, and now it's up to him to do whatever he has to do now.

Whitney Singleton: I received a request from the applicant Westchester Residence and Club for clarification on what is being requested for the Emergency Access Road. I thought we could just take it up on Friday's staff meeting if that is okay with the board.

Chairman Cosentino: Yes. Also, they are looking for clarification on the ambulance, to re-write what he originally wrote because that was unacceptable.

Nanette Bourne: On another note on the diner, Clifford Munz had prepared a response to staff comments. In working with him, his re-do of how his space is allocated for the purpose of determining parking. Austin has not been in to bless it or not bless it. In conversation, we've decided to keep moving this along because there are so many pieces of this. So we are going to have him take his shot, come back to the Planning Board and tell you what he has done. I told him that, in addition to his revised site plan, that the board was expecting to see what the site would look like with two driveways, and that if he didn't come back with what the board had asked, he was proceeding at his own peril. I said it needs to be a legitimate alternate site plan that shows the two points of access, otherwise he's on his own. Normally we would have had Austin intervene and do a determination memo, but Austin is not here to do it.

Chairman Cosentino: If he doesn't have anything, it's fruitless for him to come back.

Nanette Bourne: I think he is going to do the double driveway.

Chairman Cosentino: But what is he going to take away in the back? We knew we wanted it in the beginning, and he said he couldn't do it. What did he change? Is there unloading back there now? Can he get a trailer truck back there now?

Nanette Bourne: He had made a lot of changes but not all that you had asked for. The most significant alternate that he did not explore on paper was the two driveways.

Chairman Cosentino: Have you seen this plan?

Nanette Bourne: No. He's in the process of doing it.

Anthony Oliveri: I have seen the one where he did the loading of the 30-foot truck, not for a tractor-trailer. I don't know if he is going to come back with a plan for a tractor-trailer.

Nanette Bourne: You can't put a tractor-trailer on that site. It's not going to happen.

Chairman Cosentino: A tractor-trailer is what delivers, though.

Nanette Bourne: He can't.

Chairman Cosentino: So you want him to unload in the front?

Nanette Bourne: It just physically can't maneuver around there?

Chairman Cosentino: So where is he going to unload?

Anthony Oliveri: He'll have to block spaces in the lot.

Stanley Bernstein: Or you can't deliver with a trailer. He has to use a different type of truck.

Whitney Singleton: He is going to do what he continues to do now.

Chairman Cosentino: Unload in the front.

Ralph Vigliotti: It would not be the first place in town that unloads in the front.

Whitney Singleton: It's supposed to be done on site, off street.

Doug Hertz: Unless the police or Building Department enforce this, we're not going to get anywhere.

Nanette Bourne: Regarding Simone, we will need the resolution for the subdivision for our staff meeting on Friday.

Whitney Singleton: I have a feeling that there was a restriction on the subdivision approval connecting exactly what you're trying to do. They didn't want the driveways coming out on either. Its original application was to improve solely with easements across the gas station corridors. They didn't want anything going across it. They sued and they lost, and they appealed and they lost. Then they came back to your board and you approved it at some point in time with a restriction, I believe, that all access has to be in the westernmost portion of the property, as Stan pointed out. Now, if I'm not mistaken is you wanting it approved on the northeastern portion of the property.

Chairman Cosentino: Because we forgot about what the original subdivision called for. He has to go back and re-do it.

Whitney Singleton: It seems to me that you have a lot of other places over there with restrictions going in and out of the property.

Chairman Cosentino: We'll have to look at what we approved.

As there was no further business, on a meeting by Mr. Gibbons, seconded by Dr. Morreale, the meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Stanley Bernstein
Board Secretary

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