

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

The meeting was called to order at 7:45 P.M. at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

**Members Present:**            **Chairman Joseph Cosentino**  
   **Vice Chairman Sturniolo**  
   **Joseph Morreale**  
   **Ralph Vigliotti**

**Members Absent:**            **Stanley Bernstein**  
   **Sol Gibbons**  
   **Doug Hertz**

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

**Public Hearing**

**Mount Kisco Athletic Club/Safe Haven/U-Haul**  
**333 North Bedford Road**  
**PB2009-05A**

**Present:**            **James Diamond, Property Owner**  
                                 **Richard Beusman, Manager, Mount Kisco Athletic**  
                                 **Club**  
                                 **David Stolman, of counsel for Mt. Kisco**

**Mount Kisco Athletic Club**

James Diamond: This is an application to convert the southernmost 30,000 square feet of 333 North Bedford Road to a health membership and athletic health club as well as some exterior improvements around the front of the health club, removing some of the parking lot and replacing it with grass seeded and landscaped areas.

David Stolman: We provided to you this evening a memorandum regarding the traffic analysis that was performed. The traffic analysis was submitted for two purposes to fulfill the requirement in your original resolution approval, which called for periodic analysis of the traffic generated by the project, and the impact of that traffic as the building reached various levels of occupancy. It is roughly 80% occupied now. The second reason for doing the traffic analysis was to justify the proposed increase in the cap associated with the Mount Kisco Athletic Club application. We have gone over all the traffic analysis and we find it to be complete, as we have explained on the second page. Under the heading "Request for Traffic Cap Increase for Mount Kisco Athletic Club" we mention that we have been out to the site with John Collins and looked at the intersections along North Bedford Road. The New York State DOT recently did some coordination, resynchronization, and modification of the signals. You may be finding as you travel the road that the congestion is less and the situation is better, which is what we solved when we went out there. There is a letter from John Collins in your packet with an email from the DOT explaining what they have done.

Chairman Cosentino: It seems to have worked somewhat.

David Stolman: Thank you. That is exactly the point I am trying to make. Having said that, and having said we find the analysis to be appropriate, let us continue on to the results of the storage/queue analysis. This indicates that the 95<sup>th</sup> percentile queue length exceeds the storage length at the intersections of Route 117 at Mount Kisco Commons/Burger King, Route 117 at Preston Way, Preston Way at Mount Kisco Commons and Kisco Avenue at Preston Way. The analysis shows that there would be a bit of congestion there without mitigation measures. However, the results of the analysis also indicate that the traffic generated by the proposed cap increase will not significantly impact the Study Area traffic operation given the mitigation measures needed. Overall, the study area intersections have reserved capacity and will operate at a level of service "D" or better during the peak hours included in the analysis, assuming that the mitigation measures are implemented. Therefore, the following mitigation measures are therefore important subject to agreement by the DOT. There are five mitigations, which would need to be implemented by the applicant subject to approval

by the DOT in order to make the traffic work with the increase to the cap. They are as follows: the two signalized intersections at Route 117 and Foxwood Circle and 117 at Ice House Road/Park Drive should be interconnected as the distance between the two intersections is about 1,100 feet, less than the 1,500 feet where they would not be interconnected. Secondly, traffic signal cycle lengths splits and offsets for the study area of signalized intersections along Route 117 and Preston Way should be optimized to improve traffic operations and to reduce stops, delays and queue length to meet the available storage length at study area intersections. Third, road markings at the signalized intersection of Route 117 and Ice House Road/Park Drive should be improved to better direct motorists onto the site. Fourth, a "No Left Turn" sign should be installed at the north access drive and Route 117, and road marking should be installed at the North Access Drive to channelize the right turn in and right turn out movements. Lastly, future signalization of the North Access Driveway should be considered as part of the adjacent traffic signal of Route 117 and Foxwood Circle to improve the safety of site traffic during peak hours. Presumably, these would be built in to the Resolution of Approval, and conditions would have to be met by the applicant, and then the traffic should work for the Mount Kisco Athletic Club.

Chairman Cosentino: I agree in putting this in the resolution, but what power does Mr. Diamond have to go to the New York State Department of Transportation and demand this?

David Stolman: The same kind of power he had previously in terms of the conditions and communication measures that were associated with it.

Chairman Cosentino: I do not want to put something in the resolution, and then he cannot deliver it because DOT does not want to deliver their side, then his site plan is pulled because of it.

David Stolman: That is why we stated here that it is subject to agreement by the DOT. We should find out from the DOT if this is going to be okay with these, because if they are not, then we may have a problem.

Chairman Cosentino: I would not want the problem to fall on him if he cannot do anything about it.

David Stolman: Why don't we contact the DOT in between now and the next meeting?

Chairman Cosentino: We can make it a condition so we don't hold this up.

James Diamond: The last item - the signalization of the north access drive - if I recall correctly, John Collins indicated that was a possibility but the DOT would be inclined against that.

David Stolman: That is why we specifically stated it "should be considered" instead of "should be required." It is not something that the DOT may go for. We will speak with the DOT between now and the next meeting and find out which of these they are going to be okay with, which ones they may want to monitor. They may want to monitor that north access drive and not actually put in the signalization.

Ralph Vigliotti: How many additional cars are you anticipating for the athletic club?

James Diamond: The traffic information trip counts that had previously been submitted had estimated that at a high point - if you recall, we broke it down to 5 percent of the time and 95 percent of the time, so it's a typical day and a peak day. The peak weekday hour we assumed was between 11 A.M. and 12 P.M., 158 trips. The weekend was between 10 A.M. and 11 A.M., 130 trips.

Ralph Vigliotti: I do not know how close your proposed facility is to the New York Sports Club. They are off the Saw Mill River Parkway, on the right just shy of Hastings. There is a traffic light there. I've been traveling that road for 30 years. People are parking all over. At 6:30 A.M., there are probably 150 cars associated with that athletic club. Getting in and out of there now has posed a problem for the Saw Mill because the time span on the light that has been there for years has been increased possibly 15 or 30 seconds more because of demand, getting people out of the facility, which now makes the Saw Mill backed up. 30 seconds is many cars. My concern is, as the club becomes more popular and becomes a sought after site because of location and proximity to the Saw Mill River Parkway and so on, that traffic light at the north entrance, which I always look at should be the main entrance, unfortunately at the configuration of the entrance of CVS and the entrance of your site, is offset. I honestly believe that traffic light is going to be needed, and I strongly encourage that DOT take a

strong look at it and send something in writing to us; that they are either opposed to it or in favor of what kind of configuration.

Rick Beusman: You are talking about the ability to take a left?

Ralph Vigliotti: The ability to make a safe left. Right now you have to go 50 yards in order to make the left, so cars are still flowing past you. There is no stop area at the south end of the entrance. There really should be two lights there. We'd love to move one of the buildings out of the way and line up your entrance with CVS, but that is not going to happen very soon. That being said, the amount of traffic and parking that is going to be required for a club such as yours that is going to be in my mind a very popular club, I think is being overlooked. I truly don't see the projections being accurate.

James Diamond: Using that 95 percent time, we were showing a peak of 131 vehicles within the one hour, and it drops pretty dramatically on either side of that. There is a bulge of people right after the morning commute. On the 5 percent of time, we were showing a peak of 187 vehicles. Even at that number we had more than adequate parking in the lot to accommodate the total use. If you recall, we showed those drawings with how it would look with everyone parking there at the same time. The benefit we have again is because of the size of building. With the number of different uses offsetting each other, we pick up a lot of efficiency both in terms of parking in the lot and in terms of trips, because a lot of the those trips will be generated 10 A.M. to 11 A.M., after all the office and warehouse tenants have gotten into the building between 8 A.M. and 9 A.M. There is some overlap as well because some of the tenants are generating traffic all day.

Rick Beusman: The weekday peak at 5 percent in terms of parking is 187 cars in the lot.

Ralph Vigliotti: I think the peak is earlier, just before that. I am gauging it on another athletic club in the south end of the county, just off the Saw Mill, similar to, I think, what yours is going to be.

Rick Beusman: The difference is what I would call a commuter, White Plains scenario. You may see high traffic there early morning because people are stopping there on the way to work. We are a suburban club, and we know from 30 years in the industry the real driver on this is scheduling classes. Most of our classes start at 9:30. They will be coming in at pretty good numbers between 8:45 and 9:15 and park there for an hour and a half. Then there is another group that will come in around 10 or 11. That is why you see this peak trip count between 10 and 11. Interestingly, ultimately it is the question of the queuing going up Ice House Road and how quickly that light allows people in.

Ralph Vigliotti: In all reality, that has become the main entrance, and the main entrance should be the north entrance. That is where I have been trying to get this to. You are really using Ice House Road as the main entrance, and the other entrance is no longer.

Chairman Cosentino: I agree with you. This board always has the ability to pull the site plan and review it again if that happens. If we see the traffic is too great, we will pull the site plan and talk to you about it. I think it is going to work, but keep in mind we could pull the site plan.

Joseph Morreale: You are looking at a 50 percent increase in the trip volume if you are going from 300 to 450. When I look at the mitigation measures, they appear to be more in line with keeping traffic flowing on 117 and adjusting the people's ability to turn. If I am getting 150 cars more, isn't that going to mean that the signaling going in and out of 333 is going to have to be increased? I do not mean the number of times it changes; I mean the length of time of the light is green so people can get out. If that happens, won't that affect the traffic on 117? Won't it slow it down?

David Stolman: I think just the opposite perhaps. The DOT is more concerned about the way 117 moves than how long it takes for people to get out of sites and onto 117. They are not necessarily going to give the green time to get everyone out of site in a super convenient way if it negatively impacts 117, so you will only have to sit on site a little longer.

James Diamond: That is the way it currently works. I am not sure how many seconds the green cycle time coming out of Ice House Road, but it is approximately enough for four, maybe five, cars, depending on how quickly people take the turn at the top of the hill. That works fine, because we typically have two to three cars in queue, and 80

percent of the time you get out on the first light. If it is the second light and you happen to be the fifth car, it is not that big of a deal, an extra three minutes for the light to turn again. There is a forced queue within our site.

Rick Beusman: Do not forget, Dr. Morreale, that 150 is over the course of a 60-minute time period. They are coming and going, and half of them are coming in.

Joseph Morreale: How many people at any point in time can be in the club?

Rick Beusman: We show peak occupancy of 220.

Joseph Morreale: So you could have 150 people in there?

Rick Beusman: Yes, but I'm saying in terms of queuing on that road, half the trips are coming in (theoretically) and half are going out, so you shouldn't have 150 rushing out the door.

Joseph Morreale: I would not necessarily agree with that. If you have room for them, they could easily be in the same time slot leaving at the same time.

James Diamond: In other words, the 450 trips an hour would include give or take, around half coming and half going. If they are spread out evenly, it will portion out.

Joseph Morreale: What time are you going to open?

Rick Beusman: 5:30 A.M.

Joseph Morreale: And you do not think people are going to come in there at that hour and sort of build up the number of people in the facility before rush hour? I would think they would. They are going to go there and then go to the train station.

Rick Beusman: Typically, what we will see now at MKAC as it exists today, you will have 15 to 20 people who are actually waiting at 5:30 for the club to open. They are generally out the door at 6:30 or 6:45. The biggest rush we have is right when we open. We always think that is going to be insignificant to the traffic flow on 117 during rush hour. The fact that we are open early will not impact the key time, which is rush hour.

Chairman Cosentino: The good thing about the 29,000 square feet that they are going to occupy is that there are going to be programs at different times. There could be someone renting the area where all the cars are going to come out at 5 P.M. and come in a 7 or 8 A.M. I think the mitigation is less, which makes a big difference.

### **Safe Haven**

James Diamond: The proposal for Safe Haven was to add provision for ten parking spaces for U-Haul, vans, trucks, trailers, and trailer hitches within the parking lot along the bypass road at the foot of the hill. Those trucks and vans would not be visible from Route 117, only visible when people get halfway, two-thirds down Ice House Road, which is a private road. Over the past two weekends, we had some vans and trucks parked out there, and I believe several members of the Planning Board were able to see that. We think it really has no impact on the property at all. The 10 was honestly just a number that was picked as a large number. When we went back and looked over the records over the last four to five months, we saw there was an average rental rate of two vehicles per day. That is a typical type of vehicle count. Obviously, that can vary by day of the week or time of the year, but we thought the 10 was something that had a tremendous margin of error in case there happens to be a peak day with a lot more vehicles than anticipated. At the last meeting, we talked that it is a little bit out of our control when people choose to drop off or rent vehicles, so we had to pick a larger number.

David Stolman: Is the location of those 10 spots shown on a site plan?

James Diamond: I believe that was submitted at one of the previous meetings.

David Stolman: I will check as well, and if it is not on there, we will add it.

Chairman Cosentino: For the record, Sol Gibbons had written an email stating that he visited the site on two occasions and he is in favor of having the trucks down there. He stated you could not see them from 117; they were tucked in the corner. Vice Chairman

Sturniolo and I visited the site and we did not see any problem with the trucks parked there.

Vice Chairman Sturniolo: I agree with Mr. Chairman. I visited the site on two occasions; obviously, there is nothing visible from Route 117. The location is absolutely fine. This brings me to a point when we were last talking about this being an accessory use predicated on the Building Inspector's memo. How do we get that accessory use worded into the approval process?

David Stolman: You are going to be entertaining two resolutions of approval. A special permit for Mount Kisco Athletic Club because it's a membership club, and secondly, an amendment to the overall site plan approval, which would include Safe Haven and Mount Kisco Athletic Club. I believe Jim is going to address the freestanding building as well at some point.

James Diamond: The freestanding building was a separate application but it has been part of our discussions over the past several months in terms of changing that use from office warehouse to physical training studio. At this point, we would like to remove that from the process and not advance that because we are in discussions with potential tenants that we have spoken to Mr. Cassidy about, and we would like to see how those discussions play out before we move forward with any changes to the existing use for that building at this point.

David Stolman: The tenants you are talking to are no longer the previously approved category of warehouse storage?

James Diamond: Correct.

Ralph Vigliotti: I visited the site and took some photographs and I observed four or five pull behind type of trailers that are pulled by trucks or vehicles that were just sitting in the parking lot unattended. I don't know if that is an accessory use - that you're allowed to just drop the vehicles that are pull behinds; trailers, trailers that hold cars, right along the parking lot. I am looking at what you are trying to do, which would be a triple A corporation, and I do not see how U-Haul as an accessory use, fits into your parking lot. While some of the board members, and I can agree it is off in a corner. We have no control over any U-Haul in this town. I have seen how gas stations over the years have monitored their U-Haul vans. Whether they are 12, 16 or 18-foot step vans, it has always been a problem enforcing the code. I do not see with these triple a tenant that you have an accessory use coming off your parking lot. The irony is you have a warehouse situation there where they could be stores inside somewhere. You will rent out two or three, but it is also a drop off area. You did not talk about the drop off. You cannot say no if six people want to drop off in Mount Kisco. That adds to it. We cannot control the size of the vans there. Whether we see it from 117 or not, we have people coming into our village, into this site, and they get to see them when they are coming down that driveway. I have seen people with U-Hauls and other type of trucks unloading and loading in parking lots. You have no control, and in my opinion, it looks like the board is ready to move on and grant you an accessory use. I, as one member, do not see the need for a site that size that is a warehouse that we have to store U-Hauls outside of the building itself. It should be off property somewhere. Keep your grounds, as you have worked so hard to maintain a clientele to make it attractive, why are we bringing U-Haul into a site that you have spent millions of dollars to upgrade to a first class facility? The irony of it all. I know it is all about rentals and money.

James Diamond: Honestly, we do not think it detracts.

Ralph Vigliotti: How would U-Haul sitting in your parking lot be attractive? Maybe that is the way to look at it. You are a good developer. On this one, you are way off.

James Diamond: There is a 70,000 square feet self-storage facility. People have to bring goods to a self-storage facility. If they are coming in by a U-Haul or moving truck, one way or another they are coming or going.

Ralph Vigliotti: Put it to an opposite end. They can walk an extra 50 yards.

James Diamond: One way or another, they are coming and going. When I look at the U-Haul trucks, I do not see them as a negative. They are not old beat up trucks. They are new, modern, clean good-looking trucks. We have a parking lot full of vans and vehicles at all times, 800 parking spaces on the site, 38 acres. We really honestly do not see it as a detraction to have a handful of U-Haul vans or trucks.

Ralph Vigliotti: There is an opposite end where you would not see it on the site. I know you are concerned that people would have to walk a few extra yards.

James Diamond: You would see it. Different people would see it. You are suggesting putting it at the north entryway?

Ralph Vigliotti: I would rather not see it at all. Let someone else in town have a business on site somewhere else.

James Diamond: I think if they are going to be anywhere, it makes sense to put them in a spot where no one can see them from a public road. We are very concerned with how our parking lot looks. We've put a tremendous amount of money into landscaping and signage and facades and making sure that everything is nice. I really, truly, honestly do not think it's a negative impact at all on the aesthetics of the site.

Joseph Morreale: I went to look in an evening and in a morning myself. I will agree that you could not see the trucks from 117, and I was glad about that. I originally had a concern about security, which is two-fold. You have trucks sitting out there overnight, and secondly, suppose people leave them there loaded before they pick them up the next morning? Is it worth putting that kind of risk there, because it's so easily accessible? I wonder what you thought you were going to do to make sure we didn't have a crime, theft or vandalism problem.

James Diamond: We've been offering U-Haul service at the property for several months now, and we have not had a single issue or problem of any kind. We have not had any vandalism at the property at all in the last three years we've been open. It doesn't seem to be an area that is prone to vandalism. Before, when the building was vacant I'm sure it was, because kids could go down there and skateboard. It was quiet down there. Now, the property is occupied and we do not attract vandals. I don't think there would be an issue of people leaving vehicles in the parking lot with anything in them. When they're finished with them, people could drop off vehicles either late or at night or first thing in the morning, but they would be empty. People are filling up the vehicle at home, bringing it to Safe Haven, unloading the goods into a self-storage unit and then returning the vehicle to Safe Haven. It could certainly happen, but there is no real reason for people to leave loaded trucks at the building.

Joseph Morreale: For instance, if they don't have enough time to unload a truck into storage, they leave it and come back the next morning. So now you do have a loaded truck out there that is perfectly legitimate for your whole business operation because you want them to store their items in their facility. Have you thought about anymore increased security?

James Diamond: We really haven't as we truly have had no problem. If we had, we would increase security. Our experience at 333 is pretty typical with the other buildings we own in town and other towns in Westchester. There is typically not a vandalism issue in suburban office warehouse industrial buildings. We have a building in Stamford, Connecticut where we have security guards. Cities can be different, but there is typically not a vandalism issue in suburban towns. Not that it's impossible. Anything can happen anywhere. In the last four years, we've had zero incidents at the property. Chairman Cosentino: Also, you have Ideal Electric and Airmack. What is stopping Ideal Electric and Airmack for having five trucks? You would have the same thing. They don't have that many trucks. If they did you'd have the same thing as U-Haul. I compare the trucks that they don't have, that they could have, against the ten trucks of U-Haul. I myself don't see a problem with that, although I respect Mr. Vigliotti's points. I don't agree with them, but I respect them.

Vice Chairman Sturniolo: Out of respect toward you, Mr. Chairman, and I don't want to sound like I'm an advocate for the applicant, but I have checked with the police department in Mount Kisco, and there has never been one incident that the police has responded to of any type at 333. Burglary into a car, truck, kids drinking, etc., the safety track record at 333 has been perfect. I cannot see leaving the trucks there to be anything that could damage that pristine record.

Joseph Morreale: My comments were hypothetical. I was not saying it was going to happen, but it is a concern

Ralph Vigliotti: And a legitimate one, as you are not fully occupied and there is a lot of movement of cars and people in that lot. I hope that there is no vandalism and burglaries. As you grow in size and volume and the number of cars in the parking lot increases and may end up parking back closer to that area, temptations do change. Also, I just find U-Haul to be a moving billboard, and I have a problem with moving billboards in this town. If you came in and said you wanted signage of the size and square footage that U-Haul is putting on that site, everyone here would be saying

absolutely not. But that's what you are bringing there - moving billboards on both sides - U-Haul times the number of trucks that are going to be there. As far as I'm concerned, it's about signage as well.

Chairman Cosentino: We need two resolutions. One for Mount Kisco Athletic Club on a special permit and one for an amended site plan approval resolution.

Ralph Vigliotti: I do not think they should be packaged. I think we should be voting them on individual units.

David Stolman: I will prepare two separate resolutions.

Chairman Cosentino: We will put you on for a draft resolution for the next meeting, November 10, 2009.

### **Motion to Close the Public Hearing**

#### **Mount Kisco Athletic Club, Safe Haven/U-Haul**

Motion: Ralph Vigliotti  
Second: Vice Chairman Sturniolo  
Aye: Joseph Morreale  
Aye: Vice Chairman Sturniolo  
Aye: Ralph Vigliotti  
Aye: Chairman Cosentino

### **Conceptual Application**

**Golden's Bridge Precision Auto Repair, Inc.  
41 Armonk Road  
PB2009-14**

#### **Present:**

**Eugene Panetta, President and Owner, Golden's Bridge Precision  
Steven Paige, Vice President, Golden's Bridge Precision**

Chairman Cosentino: We have read Mr. Cassidy's report and saw the pictures. I asked our village attorney to research this. I don't know whether you had time to do this, Mr. Singleton.

Whitney Singleton: I am familiar with the use, the site and the plan.

Chairman Cosentino: Please give us a run-down of the history of the site, zoning, etc.

Whitney Singleton: Actually, why don't we just go through Mr. Cassidy's memorandum? The first bullet point identifies it as being in the GR (General Retail) Zoning District. The second bullet point identifies that there is no gasoline sales at this site for the past decade, and that the tanks and pumps have been removed. He identifies the current activity of the site to be a non-conforming use. He did not use the term pre-existing non-conforming use as it is not conforming. He says since it is a non-conforming use, there can be no expansion of that use, first of all. So the concept of bringing in auto body, according to Mr. Cassidy, is not permitted. That is pretty clear. There are also separation requirements for residential neighborhoods and other things, which could preclude that from going on. With regard to the third bullet point, the utilization as a rental for U-Haul; I believe that was similarly being a prohibited use. I do not know that I agree with Mr. Cassidy's assessment that I wish to discuss on the record my opinion in that regard, the determination that needs to be made is not by me, it's to be made by Mr. Cassidy as the Building Inspector in first instance. Under 110-30 F, the section that govern automotive rentals, specifically state it is only allowed in certain identified zones, and this is not one of them. Under 110-30 G, also a section that governs automotive rentals, it says as properly identified by the applicant they are receiving a special permit under 110-30 G6. The problem is G6 has a predicate to it. It only governs any property that is used for any purpose in addition to the sale of gasoline and motor oil. They don't sell gasoline and motor oil at this particular facility; therefore it cannot fall under the auspices of Subdivision 6. I do not believe it is a permitted use in the zone.

Chairman Cosentino: So we're saying that neither is a permitted use in the zone?

Whitney Singleton: I want to be very clear on my caveat. It is not my determination. It is Mr. Cassidy's determination as the building inspector. If he wants to render a different opinion, that is up to him. If he renders an opinion that this is a permitted use, then your board, absent someone challenging that with a ZBA variance for interpretation, then your board would be forced to entertain that application.

Chairman Cosentino: The problem is Mr. Cassidy did not say it was a permitted use.

Whitney Singleton: He says, "If counsel wishes to discuss on the record," that is contrary to what was stated. I had wished to discuss the topic with him.

Chairman Cosentino: I don't want these gentlemen to spend a lot of money and come back here and we say they can't have it. I think this board should table this until we get some information from Mr. Cassidy as to whether it's really a permitted use or not.

Eugene Panetta: What is the sale of oil?

Whitney Singleton: It's the sale of gas and oil.

Eugene Panetta: If I'm selling oil like an oil change?

Chairman Cosentino: No. Gasoline.

Whitney Singleton: Actually it's gasoline and oil. Technically, car rentals are not a permitted use in this zone. They are in other zones, but not this one to the extent that what is going on there is allowed. The only thing that is allowed in this GR zone that is closely related to what you're doing is limited automotive repairs that are incidental to the sale of gasoline. For example, if you have a gas station and you're doing some repairs that is permitted. Just the repair of automobiles in and of itself and by itself, is in my interpretation, not permitted. Obviously, Mr. Cassidy must disagree with me, because it has been there without the sale of gasoline for the last ten years.

Chairman Cosentino: But he still doesn't say whether it is a permitted use.

Whitney Singleton: He says it's a non-conforming use. That could be interpreted as being a very polite it's an illegal use.

Chairman Cosentino: I think this board needs to know.

Whitney Singleton: I apologize for the applicant having to come tonight without having this issue better vetted.

Chairman Cosentino: We want to try to help you as best we can, but under the circumstances, our hands are tied. I am going to table this until I get a better understanding.

Whitney Singleton: I will speak with the Building Inspector if you'd like.

Eugene Panetta: Can I still operate?

Chairman Cosentino: Yes.

Ralph Vigliotti: As an accessory use to gasoline services - you're not offering gasoline services, so the accessory use for auto repairs is moot.

Whitney Singleton: I wouldn't go as far as calling it an accessory use. It's actually listed as a principal use. But it's basically saying they are limited in nature and it's in conjunction with the sale of gasoline.

Chairman Cosentino: The principal use is not permitted without gas. That is the problem. I recommend that we table this until we hear from the Building Inspector on whether this is a permitted use or not. This board has to see this in writing. As far as I'm concerned, he didn't say one way or another.

### **Motion to Table the Conceptual Application**

### **Golden's Bridge Precision Auto Repair, Inc.**

**Motion:** Chairman Cosentino

**Second:** Joseph Morreale

**Aye:** Ralph Vigliotti

**Aye: Vice Chairman Sturniolo**  
**Aye: Joseph Morreale**  
**Aye: Chairman Cosentino**

Chairman Cosentino: We will put you back on another agenda as soon as we find out the information for Austin Cassidy.

Whitney Singleton: Two notes to that. Please give me some contact information so I can contact you, and two, although this is a different zone and has different permitted uses, this issue is not completely different from your last application, which I am not sitting in. It is very similar. I will have Austin contact you.

### **Final Action**

**The Boys & Girls Club**  
**351 Main Street**  
**PB2009-08**

Chairman Cosentino: This is a final revised resolution. There is no one present this evening.

Whitney Singleton: They were aware that there was going to be nothing more than the incorporation of changes that were made at the last meeting which have been incorporated. I would vote to adopt the language as it conforms to the changes that were made at the last meeting. Specifically, I can point out to you what those changes are.

Vice Chairman Sturniolo: If we could look at Page Two, the third whereas from the top. Do we need to do anything about that statement?

Whitney Singleton: I think that is the concern that Nanette had. Apparently when I was not in the room the other night, they represented that there was a merger. A merger can only occur by one of two ways; one of which is that they are all on a common subdivision plot, and they file a certificate of abandonment with the assessor, which I don't believe they have done. Or, they can come to your board for a re-separate (?) issue, and I don't believe they have done that either. However, I think it's been addressed by virtue of Paragraph 16 as a condition.

Vice Chairman Sturniolo: Is there a better way to phrase that? It's almost like we're blessing a mistake for an erroneous statement.

Whitney Singleton: No. It's not unusual to have multiple lots constitute a single approved site plan. What you don't want happening is multiple lots constituting a site plan and then they start to sell off separate and distinct lots. I do not want that to happen while I am counsel for your board.

Vice Chairman Sturniolo: So, do we leave that "whereas" the way it is?

Whitney Singleton: That is their representation. It's only what they represented to the board.

Vice Chairman Sturniolo: What about the statement that the tax records clearly do not reflect that statement?

Whitney Singleton: I'm not concerned about the tax records. I'm concerned about the actual lots. In Paragraph 15, I am trying to make sure that there is a prohibition against any one of these lots being sold off as a separate and distinct lot.

Vice Chairman Sturniolo: And Paragraph 15 clearly states that belief.

Whitney Singleton: Additionally, if you don't state that, then you have multiple lots, which have setbacks running from what you regard as interior lot lines. On this particular lot, you have a garage or storage facility as the only structure on the lot, in which case that would not be a permitted use. It's only an accessory use. You can't have an accessory use without a principal use. It is simply recognition as the last piece of the entire site plan and that no lot may be sold off as a separate and distinct lot.

Vice Chairman Sturniolo: And the protection is clearly stated in Number 15.

Whitney Singleton: Yes.

**Motion of Approval to the Resolution to Amend the Approved site plan for the Boys & Girls Club Storage Shed**  
351 Main Street  
PB2009-08

**Motion: Joseph Morreale**  
**Second: Ralph Vigliotti**  
**Aye: Vice Chairman Sturniolo**  
**Aye: Ralph Vigliotti**  
**Aye: Joseph Morreale**  
**Aye: Vice Chairman Sturniolo**  
**Aye: Chairman Cosentino**

**Question**

Vice Chairman Sturniolo: Looking on Page One of this, where it says date of action October 13, 2009, had we already approved this?

Whitney Singleton: Yes you have. Now, all you're doing is confirming that the language that has been supplied in your direction is in fact representative of what you want it to read.

**Question: Vice Chairman Sturniolo: Aye**

**FAB  
222 Main Street  
PB2009-13**

**Present: Salvatore J. Triano, Principal, Crossland Engineering  
Joseph Mangi, Proprietor**

Salvatore Trioano: I am working with Joe to create a handicapped access ramp and an outdoor seating dining area for 222 East Main Street. All the work is proposed to be conducted and constructed within the boundaries of the property. We are also increasing and enhancing the planting bed areas and creating a handicapped access ramp with a turning area to go to a second landing that allows proper access to the restaurant itself. Currently there ramps that are here do not comply with the American Disabilities Act (ADA) and do not provide safe access or egress. In addition, along on the side, there is a very large step that is off on this side right next to this other store. We are proposing to put a landing out here that actually solves that particular problem as well. It is more of a safety hazard than anything else. That gives him the secondary access that he needs to make sure he complies with all the fire codes.

Chairman Cosentino: Next door to that restaurant, there is an outdoor display?

Salvatore Trioano: Yes.

Chairman Cosentino: I understand the restaurant next door is coming in for more outside seating. I don't know where all this seating is going to take place. Do you have outside seating now?

Salvatore Trioano: No, we don't. This is what we are proposing. Off on the corner here, just 4 seats outside in a raised area.

Chairman Cosentino: The outside display is La Marqueta?

Salvatore Trioano: Yes. It would be on the outside of this. Because the property boundaries for the restaurant versus the shop would be adjacent to this end. We will have a railing that actually separates it.

Chairman Cosentino: What was brought up was the restaurants having outside seating and then this in that one corner. How is everything going to fit in that one corner? The outside seating, the outside seating for Mango?

Joseph Mangi: Mango's seating is all the way down the other side.

Ralph Vigliotti: Is this the same owner?

Chairman Cosentino: Yes.

Ralph Vigliotti: We are coming in one at a time, and we're not connecting the dots with all of the properties there. We have outdoor storage, fruits and vegetables, and then you are one store down, Mango hasn't come in yet for any spring outdoor seating for outdoor dining. Is there another restaurant there as well?

Salvatore Trioano: No. There is a bar.

Ralph Vigliotti: The bar does serve food, so could they also come in at some point for outdoor seating?

Vice Chairman Sturniolo: They have already.

Ralph Vigliotti: Do we need to look at some kind of a master plan for that sidewalk or do we keep going one at a time?

Whitney Singleton: Perhaps I could shed some light. The reason this is before you does not have to do with the outdoor seating. The reason it is before you has to do with an amendment to their site plan. The reason that there has been no review by your board at this time is that the Building Inspector issued the permit for that. It's on private property and it's below a certain level. They are proposing a physical alteration to the site, which is the cause for it being before you.

Chairman Cosentino: That is an improvement, for handicapped. Is there any accessible handicap in the rear? Do you have a rear entrance?

Salvatore Trioano: Yes.

Chairman Cosentino: Is it handicapped?

Joseph Mangi: No, there are several stairs down.

Chairman Cosentino: So it's not parking lot level in the back?

Joseph Mangi: In the back door you would step down three steps to go in, and it wouldn't work.

Salvatore Trioano: The parking lot in the back is actually elevated from this front entrance.

Chairman Cosentino: And there is a sidewalk on the side of the building to go around?

Salvatore Trioano: Yes. All the way around the entire property.

Chairman Cosentino: Is there any handicapped spaces getting up to the platform of the building?

Salvatore Trioano: Not at all.

Chairman Cosentino: How does a handicapped person get to the top of the platform? The front of the building is up higher than the sidewalk.

Salvatore Trioano: Correct.

Chairman Cosentino: How would they get up on that landing in order to get to the platform?

Joseph Mangi: There is a sidewalk that actually ramps up. It's lower in elevation here, and it rises as you travel in this direction. The whole purpose here is that we tie it directly into the sidewalk at this point.

Chairman Cosentino: So you'll be able to roll up the sidewalk, roll up the ramp and turn into the store?

Joseph Mangi: Yes. This area is actually a bit bigger as required by code. Then you would come up a smaller ramp, which we're putting some strips on to mark, and then we create a much larger platform. This allows the doorways to open as well as provide access for the handicapped into the dining area.

Anthony Oliveri: The initial permit for the ramp itself and the platform itself would be issued by the Building Department. There are really no engineering issues here, but more building code and ADA code.

Salvatore Trioano: We've been through the Architectural Review Board and sat down with Austin Cassidy several times as well.

Chairman Cosentino: When you make application, you can come back and we will make a resolution for approval.

Salvatore Trioano: Thank you very much.

**Continuing Review:**

**Buckingham Properties  
PB2005-19  
Morgan Drive, Lot 3**

**Present: Ronnie Ross, on behalf of property owner  
Buckingham Properties  
Jon P. Dahlgren, Senior Environmental Geologist,  
Tim Miller Associates, Inc.**

Nanette Bourne: Before you tonight is for you to consider a revised scoping outline that is in your packets. I made the changes that were requested by the board at their last meeting, which primarily included the addition of the rain garden as an element that you wanted them to include. Most significantly, on Pages 11 and 12, are the changes that you requested concerning the public health environmental assessment regarding the hazardous material. The applicant called me today and reminded me that on Page 12,

Item 5, you asked that the word "if any" be struck. I did not include that, and it should be included as it was a specific request from you. If the changes meet what you want, then you are in a position to adopt this as the scoping outline that would allow the applicant to prepare a Draft Environmental Statement.

Chairman Cosentino: Since the changes have been made, do we have any comments by the board? (There were no comments by the board).

**Motion to Adopt the Scoping Outline as Presented to the Board regarding Buckingham Properties at Morgan Drive, Lot 3**

**Motion:** Vice Chairman Sturniolo  
**Second:** Joseph Morreale  
**Aye:** Ralph Vigliotti  
**Aye:** Joseph Morreale  
**Aye:** Vice Chairman Sturniolo  
**Aye:** Chairman Cosentino

**Continuing Review:**

**681 Main Street LLC  
Dunkin Donuts  
681 Main Street  
PB2009-09**

**Present:** John Bainlardi, for Property Owner  
Scott W Blakely, R.L.A., Sr. Vice President, Principal  
Landscape Architect, Insite Engineering  
Ira Grandberg, Grandberg Architects

John Bainlardi: We are back for a follow-up from our prior conceptual review on this project. After hearing the comments from the board, we retained Scott Blakely to do a more thorough conceptual plan trying to address the comments of the board. We also have Mr. Grandberg here this evening available for any comments or discussions you may have regarding what we are doing with the physical building, which is under construction. We also have a couple of the principals of 681 East Main Street in the audience including my wife and her sister and Scott Schaefer. The Schaefer's are chiropractors and have a practice in the village.

Ira Grandberg: The building, as you know, was in terrible shape bordering on structurally unsound. We presented this to the Architectural Review Board and got their unanimous endorsement. Basically, we are going to create a baseline on the building with new storefronts and a total brick façade with a cornice that goes around the whole building. We have two corners that are being defined so that you're not just dealing with a railroad kind of elevation. We feel this is a gateway building and it should have some level of sophistication as far as the detailing goes. John has been very supportive of that. My position in town is to always try to achieve that. It has been a very strong relationship in that regard to do something appropriate for the site.

Chairman Cosentino: How many stores are going to be there?

John Bainlardi: Our goal from the beginning, since prior to Pet Connection going out, was to try to do a single tenant. We have found over the last couple of years that is easier said than done. We have had a series of tenants for various reasons where we've reached deals and then we unable to complete the deals because of changes in the economy. In one instance, we had the store broken up into two spaces. We had a Starbucks on the end and a high-end wine merchant for the other side. Unfortunately, the existing wine stores in Mount Kisco and throughout all the surrounding towns fought the liquor license, and the liquor license was denied. So we lost that tenant. Right around November of last year, when things really took a turn, Starbucks pulled away as they were closing stores. We have been negotiating with a gourmet food store to take the first portion of the space. Ira has been working with that particular tenant to really lay out the store for them and understand their needs. They came to the realization that they would need the entire building. They are a Dean and DeLuca type of establishment. We have made serious efforts to try and consummate that deal, but it is a start up. They have good backing, smart people in portions of the business, but they are unwilling at this particular moment to make a commitment to take the entire building. I do not know if that is going to change next month or two months from now or if we're ever going to hear from them again. Again, it is a function of the economy - is that business going to be viable here in our town? We fully believe that the corner would support that business very well.

Chairman Cosentino: The front of the building looks really nice.

John Bainlardi: Thank you.

Ralph Vigliotti: There was never a question on the façade. It was always the site. There was never a question on the architectural design. It was always the site itself.

John Bainlardi: My main point in focusing on some of the architecture last time was that we made some decisions with the façade. It was not done in a vacuum. We spoke to people on the Village Board and neighbors, and tried to vent it a little bit, and it was always made very clear to me that we would like to see something really nice there. We tried to go the extra mile and do the brick.

Scott Blakely: I'd like to run down the site plan changes since your last discussions. We've got an existing conditions aerial view here. The site is three-quarters of an acre. It basically contained a parking lot to the side and rear of the building and a one-way parking access aisle and parking along the front of the existing building. We have made a major change to the site by eliminating the access closest to the traffic signal. I think that was one of the concerns that the board had. Also, we are pulling out the asphalt pavement in front of this. In keeping with that theme of a gateway site, Ira has done such a nice job with the building; we have tried to create a fore drop to that building with a very large sweeping planting area. The plant palette would be similar to what we see throughout the village - flowering shrubs, grasses, perennials and low flowering trees along that front just to create that foreground to the building. We do not want to hide the building; we just want to give it a little softening.

Ira Grandberg: We have eliminated what used to be the western storefront. The building is back from where it was. It used to have a covered portico. That is being ripped out. The building is not being brought out to that point; the building is set back from that point.

Scott Blakely: Looking at the memorandum that Austin Cassidy put together, and some of the components that he thought we needed to work into the site, we created some snow storage areas and refuse container location by re-striping this rear parking lot to conform to code - 9.5 foot stalls and access aisles. We've created a snow storage area in this corner here, and we've pulled out this wedge of asphalt pavement in the back and re-aligned this parking. It was a little confusing in here because it was so wide. That has allowed us to create a planting area against that wall in the location adjacent to the dumpster facility on the piece next door. We've planted some higher evergreens in here to help screen that dumpster on the adjoining property, so when you're coming down Lexington Avenue your view towards this area has been much improved. This has allowed us to create an additional snow storage area. With those modifications, we've reduced the impervious surface on the site by 4,200 square feet, which is about 15 percent. That is taking us from the 93 percent coverage that existed to fewer than 80, which brought us into compliance with the code. The other issues we were dealing with was parking layout and trying to maximize the number of spaces we can get on site while incorporating the other components the village was looking for. The existing site has about 53 spaces; depending on how you look at the way the site is used. There is some striping that is missing. The current site plan proposed is 45 spaces. These are 45, code-compliant, 9.5-foot stalls. We have located the required ADA handicapped parking in this location to get down to the front of the building. We are also proposing a "right in right out" access on East Main Street. Also, we are proposing landscape improvements above this existing retaining wall to get this slope cleaned up and re-vegetating that area. We are also going to be replanting some of the beds in this area. There are a few components you will see during the formal site plan submission. We are working on meeting the codes for lighting and signage. This is not indicated on this drawing yet.

Vice Chairman Sturniolo: Regarding the lighting, we have been asking each applicant to comply with the proposed lighting code that has not been adopted yet by the Village Board.

Anthony Oliveri: I am not so sure the rear parking is in conformance. You have a 20-foot aisle, and I believe it's supposed to be 24 on a 90 degree parking.

Scott Blakely: The constraint that we have, as it exists today is a setback from the property line to the corner of that building of a little more than 39.5 feet. There is an existing non-conforming there right now. We are not looking to reduce that, we are looking to maintain that.

Anthony Oliveri: I'm not sure the Board is in a position to waive those requirements.

Scott Blakely: If it is pre-existing, non-conforming?

Anthony Oliveri: I would leave that to The Board.

Chairman Cosentino: Isn't the trade-off removing cars from the front?

Anthony Oliveri: You might be able to do a 60-degree parking there, but you'll only be able to access it from one direction or the other. That is something the board should be aware of.

Chairman Cosentino: We need to talk about the idea of taking the parking from the front and beautifying the building.

Anthony Oliveri: You would lose a few for sure, and you would only have access from one direction.

Chairman Cosentino: He is down to 45, and you certainly do not want him to lose anymore than that. We have to work something out there.

Scott Blakely: We have designed parking lots with access aisles of 18 - 20 feet. We actually would have 21 feet at that pinch point for the access aisle.

Nanette Bourne: I do not think it's a matter of it working. I think Anthony is trying to say The Board may not have it within their jurisdiction to waive it. There are other means for you to get it waived, or good justification would be a variance. But they still do not have the authority to do that.

Scott Blakely: The only question we would have is there is a preexisting, non-conforming access aisle there now. We are not changing anything. We are just re-striping what is there.

Anthony Oliveri: But it is a new site plan and per the code, The Board has to look at it as a new site plan.

Ralph Vigliotti: Otherwise, it goes before the ZBA for a variance, is that true?

Chairman Cosentino: Yes.

Anthony Oliveri: In addition, you need to provide concrete curb around all the parking areas. You are showing bumper blocks on the southwestern side. We need to get an existing survey, and with your formal submission, you will provide that. If you are doing anything with the drainage in the parking areas, obviously you need that on the plan. There is a standard detail that is used for the refuse enclosure. You can get that from the Building Department. There was a question on the setback on the front corner where the new column feature is.

John Bainlardi: We have addressed that. We removed the overhang on that side and pulled it back.

Anthony Oliveri: You need to show the setback on your site plan to confirm that.

Ralph Vigliotti: When I opened up the site plan, I was very happy about the improvements that were made, and I thank you for listening to us as a board and following the code. It is a gateway to the community and I thank you for addressing that. One item that I would like to see for the south section of town is a small consideration, which is to extend the sidewalk from 666 to the edge of your property so folks can at least get to the parking lot to get to the back of the building, as opposed to bringing it all the way up front. I would hate to see people not able to get to the location because of snow and mud. I think it would be an improvement for the south end.

John Bainlardi: We will look into that.

Ralph Vigliotti: For us, it was all about a site that had ingress/egress that was safe for that corner. Never mind the beatification of the site and approaching the site as a gateway site. It is all about safety and making sure that folks can get in and out.

Joseph Morreale: First of all, I would not even call it an improvement. It is a transformation. It is amazing what you have done, and we are very, very appreciative of the fact that you were willing to do all this and take our advice. The front of that building is going to be wonderful, plus the fact that you have put so much greenery.

The sitting area is going to be very, very attractive coming into the community. You show ingress/egress on 117, and I wonder about the other entrance and exit. Is that both directions also off 128?

John Bainlardi: Yes.

Joseph Morreale: Given how tight some of the spacing is, would it be better to have it just a flow through where you come off 117 and come out the other direction? Because you can't go left and south here on 117. You have to go right. If I leave and want to go to Chappaqua, I have to go out the back, turn around and go around.

Scott Blakely: That's right.

Joseph Morreale: So if we actually made the flow-through that way, that would work for people going north also. Then you would avoid cars going both directions on this side.

Scott Blakely: The issue you will have would be that you can't make a left-hand turn.

Chairman Cosentino: You can only make a right coming south to north and then coming out, a right north.

John Bainlardi: This is a double yellow line, and you don't want people crossing that.

Chairman Cosentino: That is what we envisioned.

Ralph Vigliotti: Absolutely.

Chairman Cosentino: So you need the ingress/egress in the rear.

Ralph Vigliotti: I think what you have is correct.

Joseph Morreale: I see what you are saying. If this were truly a one way in up on 117, then over there would have to be two-way. People would still have to exit that way.

Scott Blakely: Correct.

Joseph Morreale: I am concerned about the ebb and flow of traffic back and forth over here on the south side of the building, especially with a tight turn.

Scott Blakely: The one advantage that we have on the tight turn is that it is not a 90-degree turn. It is not that tight a turn.

Joseph Morreale: But you still have cars going both directions. That is what I worry about. It is just a thought, but I became concerned as I watch this. I am picturing cars going both ways, and when you got that other exit, which could dump a lot more of the traffic out that way if you did not allow people to exit this side. I'm not insisting on it, but at the same time it is worth thinking about.

John Bainlardi: When the site is opened back up again, you are free to go in there. I think you will see when you come in here there is actually quite a bit of visibility here. It really does not impact, because you are far away from the building when you are making the turn. Maybe we can stripe down the center of the aisle.

Scott Blakely: We have 24 feet at the mouth here. This fans out, so we may have 28 feet.

Ralph Vigliotti: The concern with two-way traffic toward the back is that 20-foot aisle space may not accommodate two good sized SUV's comfortably to pass one another. That is why that 24-foot aisle space becomes very important. It is something you need to look at. It is probably more serious than anything else, because you have some movement coming through there. Those 20 feet are very tight.

Scott Blakely: We will look at it, but the site has existed this way for 20 years.

Ralph Vigliotti: There were no SUV's, Land Rovers, etc., 20 years ago.

Joseph Morreale: The Dunkin Donuts is going on the north end of the building?

John Bainlardi: Yes.

Joseph Morreale: Where are the signs for the store?

John Bainlardi: They are proposed for above the doorways, and we would look for signage in the rear entrance of the building.

Joseph Morreale: Let's take Dunkin Donuts over here. Where is their signage? Is there anything on this side?

John Bainlardi: I do not think the code would permit signage on the Lexington side. We can only have signage under the current code in the front and rear.

Joseph Morreale: How many other businesses were you thinking of?

John Bainlardi: The way we have laid it out right now is two stores total. The Dunkin Donuts use on the corner and the balance of the space as a second tenant. We have the potential to do a total of three stores, where there would be one additional store in the center. We are not looking to do that. If I could find a single tenant to take the building, I would do that deal because of the reasons that you have managements of the property with a single tenant simpler. The flip side of that coin is I cannot sit here any longer.

Ralph Vigliotti: I think once the improvements are made it will certainly become more attractive to new tenants. I do not think in their minds eye visually see these improvements, and how it may have a positive impact on the business. I would ask if you are working with a traffic consultant on designing the ingress and egress, making the right out onto 117 and the right in from 117 to be designed to remind people it is done that way by purpose and design. Not to try to sneak in and make that left-hand turn. You are forced to make a right, or you are forced to make a left, but you cannot illegally turn in there, even if people will do it. At least if it's designed correctly it may prevent.

Vice Chairman Sturniolo: How does Dunkin Donuts receive deliveries?

John Bainlardi: My understanding is that it is a panel truck, which comes in before the store opens in the morning. They have the donuts on racks with wheels. They are wheeled in the back door.

Vice Chairman Sturniolo: So the truck would be in the back, that is where he would go in with the product, and the truck would be gone by the time the store formally opens up for customers?

John Bainlardi: Yes.

Joseph Morreale: So, mostly we would see three signs if you do three stores.

John Bainlardi: Yes. We were possibly considering if there is no store in the center, doing a decorative sign for the number of the building.

Ralph Vigliotti: Can you describe what the signage would look like?

Ira Grandberg: We are going to indent the brick so that the sign is not glued onto the building but looks like it is built into the building.

John Bainlardi: I like the signage that was done on the building next to Bellizzi. It does not have to be exactly like that, but you have a little bit of flexibility for the individual tenants to have their own identity but using a high quality material at the same time.

Chairman Cosentino: You have done a lot for the village in making the improvements to this building.

Ralph Vigliotti: Just for the record, Sunday morning at 10:10 I went to Dunkin Donuts on North Bedford Road. I was the 29<sup>th</sup> car to park there. When we are looking at parking there are peak times. I have been there on a 7 A.M. on Sunday morning and it has been like that. You need to take that into consideration, whatever we do here, when we allocate the number of spaces. Whatever count we have, the reality is that 24 - 30 cars are very real for Dunkin Donuts. We have to take this into consideration. There is a quick turnover once you get up to the counter and ask for your coffee and whatever you are taking, but the turnover is slow from the moment you get on line to the moment you get served. Cars are not turning over every five minutes. They are there 15-20 minutes on a busy day. Whatever count you are looking at for the new tenant portion, you need to take that into consideration.

John Bainlardi: I would like to establish what the parking count is so I can plan. I know there has been a recommendation from the planner.

Nanette Bourne: You asked me to look at that, and in looking at their traffic problems, the size of the store and looking at some possible comparables from Dutchess County, based on all of that, the number of parking spaces that should be allocated for this are probably 17 or 18. You may disagree. There is no way to get estimates on how successful the store will be to require that it will have more or less, but this is based on your typical Dunkin Donuts traffic.

Chairman Cosentino: Why is the Dunkin Donuts parking lot down here full in the morning?

Nanette Bourne: I cannot really account for that.

Ralph Vigliotti: I think we have to. We can look at Dutchess County all we want; this is Westchester County Mount Kisco.

Chairman Cosentino: But if he has another store there, it probably would not open up until 9 A.M. In reality, your surge is between 7:30 and 8:30.

John Bainlardi: In any event, your point is well taken. We would look to, the balance of the space, to do something that would not be a parking hog, but be a straight retail use at best.

Ralph Vigliotti: I know if I were buying the adjacent property, my concern, as a perspective renter would be how many spaces do I really have for my business? If you are saying there are only 17 allocated for Dunkin Donuts, the reality is that I better do my homework to make sure I have enough parking on site for my business. Downtown, if there is not parking on site you can get something on the street. Dunkin Donuts North is parking in the adjacent parking lot and going over.

Joseph Morreale: One of the things that would kill you is a nail salon. They would pull in and stay there for a few hours and you would lose all that parking very fast.

John Bainlardi: The whole thing is that we have made the type of investment that we made in the physical building. Now, in the site itself hopefully we will attract the higher end type of clientele.

Ralph Vigliotti: You made it sound like if someone came in tomorrow and said I want the whole building you can make that happen. Is that true?

John Bainlardi: I prefer not to share at this point.

Chairman Cosentino: We can place you on the next agenda. Your next step is to submit a formal application.

Whitney Singleton: Just for clarification with the board, you are pursuing this application with an interior demise of 1,500 and 4,800, but there is a possibility that you can come back with a single tenant, or a different mix of tenants. We are just showing the shell of the building, and I just wanted that to be clear with the board.

John Bainlardi: I hope if we address all the issues we will not necessarily be done, but I can then have a little bit of visibility as to whom I can rent to and how I can rent the building.

Joseph Morreale: You did a great job.

John Bainlardi: Thank you.

Ralph Vigliotti: Nanette, would you be kind enough to send the board a memorandum of how you came up with that figure of 18?

Nanette Bourne: Sure.

Ralph Vigliotti: Thank you.

**Memorandum to Project Follow-up:**

- 211 Kisco Avenue
- Cary Place

**Correspondence:**

Minutes from the Beautification Committee

**Minutes:**

**September 9, 2009**

**Motion: Vice Chairman Sturniolo**

**Second: Joseph Morreale**

**Aye: Ralph Vigliotti**

**Aye: Joseph Morreale**

**Aye: Vice Chairman Sturniolo**

**Aye: Chairman Cosentino**

Vice Chairman Sturniolo: I have one small change to the minutes on Page 10; line 52 should read "I am behind an intelligent."

As there was no further business, on a motion by Mr. Vigliotti the meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Nancy Placona  
Recording Secretary

Stanly Bernstein absent from this meeting.

dm