

Minutes  
Meeting of the Planning Board  
Regular Session  
Village/Town of Mount Kisco  
Tuesday, February 10, 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 Sturniolo

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

**Minutes: October 28, 2008**

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

**Minutes: November 25, 2008**

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

**Minutes: December 9, 2008**

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

**Continuing Review:**

**Northern Westchester Hospital Center  
400 Main Street  
PB2003-02C**

**Present:** Michael Caruso, Vice President, Facilities, Northern  
Westchester Hospital Center  
Eric Roise, Landscape Architect, The SLAM  
Collaborative  
Steven Barshov, Esq., Sive, Paget & Riesel, P.C.  
Scott Blakely, Sr., V.P., Principal Landscape  
Architect, Insite Engineering

Chairman Cosentino: We are here this evening for the draft resolution.

Nanette Bourne: This is a bit of a departure from the way we usually do things. This is a preliminary draft site plan resolution, and it was decided that because of the size of this project, it would be a good idea if we got it to the board ahead of time and we have a chance to process the items that are in it, understand the complexity of the pieces of the project so that when there can be a revised draft you are more familiar with and comfortable with it. So tonight with no expectations, if you will, approve the resolution. You will see there are some blanks and the applicant submitted the revised lines yesterday as we had requested. It doesn't reflect any of the drawings. We wanted to have the board look at it, get a sense of the "whereas's" and pieces of the project so you can finalize.

Chairman Cosentino: I think we will go page-by-page, and if there are any questions of my fellow board members we can ask them.

Nanette Bourne: Also, as we go page-by-page, I can identify what information is likely to change. On Page One, the parking fee is not included because the applicant is going to investigate the status of their parking fee. I believe that they had submitted paying for their parking fee as part of the previous project.

Michael Caruso: I actually have the receipts for the fees from the village here so I can certainly give that to you.

Nanette Bourne: This was for your previous project, and you were going to request that it applied to this. Have you done that?

John Partenza: We did, but if there needs to be a more formal way of doing it, I certainly will.

Nanette Bourne: I need something from the Village Manager. The whereas's that identify the submission that were part of their application; most of the revision dates are '05 and '08, and there was a whole big packet of material delivered to Anthony and my office yesterday afternoon. If you look at Page Three, you will note "Final site plans have not yet been submitted" so we will not only be looking at those to make sure they comply with our issues, but also to update the set of drawings for the dates. That takes us over to Page Three, after the list of drawings, the information on reviews by various consultants and agencies that will be finished. Going over to Page Four, the "whereas's" on Page Four are to be a summary of what we all know to be not only the elements of the project, but how it is going to be phased in into the site. It concerns the zoning, parking, and archaeology.

Chairman Cosentino: I'd like Doug to go over the bottom of Page Four.

Doug Hertz: The last paragraph, I guess, is our attempt to put into the resolution what we discussed at the last meeting which is based on the technology moving forward, agreeing to defer that part of the approval, just that we are all clear that it does what we want it to do. The first "whereas" says, "with respect to the lighting of and within," and later on there is a reference to the top tier only. I don't know if that is consistent, because they are probably going to wind up with the same units.

Michael Caruso: Our goal was to certainly use the most energy efficient type of lighting there was. Specifically to the top tier because of the concerns of how much illumination will come out of it. I think we're just going to be consistent with energy efficient type lighting, and if LED technology moves forward, then we will utilize that.

Doug Hertz: Maybe we should just say approval of the lighting in totality of the structure, not just the top tier. Because we start saying with respect to the lighting "of and within", then you start saying "top tier only." Why don't we just keep it for the entire structure? I don't see what putting in "top tier only." I don't see what it gains us, unless we just want to make a note in it that we are trying to be sensitive to what is going on in the top tier, but I think we should address the entire thing at the time it's going to go.

Nanette Bourne: It needs to be clear that there is a lighting plan that will be approved for the rest of the site and it's just the parking structure that is being excluded.

Doug Hertz: Yes.

Nanette Bourne: On Page Five, Item One concerns the construction base and the time for completeness. I know in the past we've talked about when you can start and how you want to precede time wise, if you could let the board know.

Chairman Cosentino: We talked about that and normally they start within six months and complete within a year. We know they are not going to complete within a year. I suggested that we give them 26 or 27 months for completion.

Nanette Bourne: I don't know if the 26 or 27 months is enough to complete the whole project.

Michael Caruso: We're talking about the first phase of the project which is the E.D. and the loop road. The schedule is looking at about 24 months right now, based on some unforeseen conditions that we may come across, underground, etc., which is based on the schedule. But if we added a few more months to that we are confident we would be finished with Phase One of the project within that time frame.

Nanette Bourne: So, 27 months for the E.D. and the loop road?

Michael Caruso: Correct.

Chairman Cosentino: If my fellow board members agree.

*All board members agreed.*

Nanette Bourne: At the end of the 27 months for this to be completed, that would be completion with a temporary C.O.?

Whitney Singleton: That would be substantially complete determined by the village engineer.

Anthony Oliveri: There is no temporary C.O. The C.O. is issued when there is substantial completion.

Whitney Singleton: You're talking about what they must accomplish within 27 months, and if want to put in a Certificate of Occupancy, that's fine if that's what you want to do. If that's what the board wants to do, that's fine, but it's not unusual for there to be a determination by the engineers for substantial completion.

Anthony Oliveri: At the end of 27 months we determine that there is substantial completion of the project, Phase One.

Michael Caruso: But I think you have to look at it, because building the E.D. is one project. Then we need to move into it and have renovation in the existing E.D. So you would need a C.O. to move into the new building and then you are going to start your work on the renovation part. I'm not sure if there are going to be two C.O.'s issued. I'm not sure how the building department or this board would handle that.

Nanette Bourne: You have a C.O. for the E.D., but then you will need a C.O. for the second story once that is built out, and a C.O. for the parking structure.

Whitney Singleton: You are going to build on schedule right?

Michael Caruso: Yes.

Whitney Singleton: Then you don't need those time frames, your permit will expire and you'll have to come back to this board for an amendment to your site plan.

Nanette Bourne: So there will be three C.O.'s?

Whitney Singleton: Yes. Whatever the appropriate time is.

Chairman Cosentino: I don't see that as a problem.

Steven Barschoff: So we would call out the individual C.O.'s that we anticipate and you're thinking of those, Whitney within the 27 month period?

Whitney Singleton: Whatever Anthony's conversation with Nanette and your professionals determines we will make the recommendation, and they will make the recommendation to the board that something should realistically be accomplished within

that time frame, and a C.O. should be issued. If it's not, see you back here on Tuesday nights. Just don't come after it expires.

Joseph Morreale: I assume you want the C.O. for the E.D. before the project's Phase One is completed; you want to open that as soon as possible. So it's very important to specify the timeframes. Otherwise we are going to tell you that it's 27 months and that's when you get the C.O. We don't want to do that. The other thing is the statement on Page Four about Phase One does not include the Loop Road. It should.

Michael Caruso: I have a note to include that.

Nanette Bourne: Page Six is fairly standard.

Nanette Bourne: The significance of Page Seven involves the blasting. I took the blasting conditions that were part of the oxygen project.

Anthony Oliveri: I didn't have the resolution for the oxygen project on hand to compare it.

Michael Caruso: On Number 18 where you have the onsite and qualified arborist, and anything that's occurring within 100 feet. We are proposing 30 feet. 100 feet is pretty large and wouldn't be anywhere near the tree roots within that 30 foot barrier as opposed to the 100 foot barrier. If it is agreed to, we'd like to change that 100 to 30.

Stanley Bernstein: That depends on the height of the tree. A 150 foot high tree will have that kind of a root system. But the 30 foot tree may not. Also, the lightest equipment should be used in any grading so that we don't compact the soil around the trees that will kill the roots.

Chairman Cosentino: Would you feel happy splitting it to 50?

Stanley Bernstein: I think it's a condition of the height of the tree. Maybe you can word it in such a way that "the assumed root extension based upon the height of the tree." Do you have any 100 foot trees?

Eric Roise: I don't believe so.

Nanette Bourne: We can change the wording to address the height of the tree.

Eric Roise: Our main concern is the way it's worded.

Chairman Cosentino: Nanette will help you word that.

Chairman Cosentino: On Page Eight, Item 32, I honestly don't believe they should have the performance bond for the fact that it's going to cost them close to \$1,000,000. They are not going anywhere; they've been there since 1916. If this is a chance to save them some money since they're not going anywhere, I think that should be waived.

Nanette Bourne: On Item 34, Anthony added that DOH permits might be required. Are you assuming that DOH will be a permit process for the Main Street improvements?

Anthony Oliveri: I added that because there was a manhole proposed on Main Street. That might need a Health Department permit, and certainly for back flow prevention.

Scott Blakely: We are working with the DOT right now and we'll confirm that.

Anthony Oliveri: You might want to add DEP to that as well, Nanette. The other two things we'll probably add as conditions would be that the site plans were just submitted address all the storm water management questions as per the village engineer prior to signing the site plan approval. Also the sewer and the water capacity analysis that was submitted. I am going to sit with Jeff Econom also and go over that. I think we can handle that as a condition.

Chairman Cosentino: We can be prepared for the 19<sup>th</sup>, since there is nothing else.

Eric Roise: We are trying to address the board's concerns with an interim landscape plan. Evidently there was some off line conversation about putting some white pines and some pear trees in to tide over until we actually have a chance to do the final planting. This is actually not that plan, this is a different plan, and what we're proposing to do in this plan for the interim is to plant many of the plants are proposed for the final

condition up front. They are not the final locations for those plants, but they will be planted up front and be able to have five years of growth behind them by the time we get around to constructing the final plan. When that time comes, these trees can be moved with a tree spade, pulled out, we can build the berm and put them back. We are proposing this because if we do this, five years down the road we will have five years worth of growth on those plants.

Chairman Cosentino: It's difficult to see what it's going to look like. I think we should see what it is going to look like after it's done. We would want the authorization to say if we want more or less. Looking at this you really can't tell.

John Partenza: I understand and appreciate that. Our landscape architect attempted to do his best as quickly as possible, sensitive to economics. We are in a very, very difficult economic time and this is his best investment up front.

Chairman Cosentino: It's either going to look nice for five years or it doesn't pay to do it. We want the option to, after it's completed, to come back and look at it. If we feel more is needed, we'll let you know.

Joseph Morreale: Even with the rendering here, you can't tell what trees are what.

Eric Roise: There is a legend on top.

Joseph Morreale: This version is not colored, and it is difficult to know.

Stanley Bernstein: Do I detect a hedge down the center of the entrance and exits?

Eric Roise: Those are grasses. The final plan will be a full size.

Doug Hertz: Can you just verbally walk us through this?

Eric Roise: The trees at the entry are Zelkovas and a number of different types of fir trees. As you're proceeding from left to right, the larger trees are either plane tree to match the plane trees that are on the street already, or their smaller fir trees (the circles). The small shrubs that you see interspersed between are actually watermelon grasses that will get five to six feet tall. As you go down the row it's on and off again fir trees, spruce trees, grasses and then the shade trees; the Zelkovas or the plain trees.

Michael Caruso: This extrapolates a lot of those plantings that are in there and puts them up front. It is consistent with what you worked on with John Slaker.

Eric Roise: The same planting materials are proposed for the final condition.

Michael Caruso: For your information I had the landscaper put a price tag on these trees and it's between 35 and \$50,000 worth of landscaping that is going take place. It is significant landscaping which is going to take place up front on the project.

Nanette Bourne: Is this in your big roll of plans?

Michael Caruso: No. We did not bid this out through Turner. We did not want to have Turner put their mark-up on it. We are doing this ourselves through our current landscaper; at least he is one price we got in.

Nanette Bourne: You need to get them to submit with the set of plans.

Michael Caruso: Okay.

Chairman Cosentino: Thank you. See you on the 19<sup>th</sup>.

**Formal Application:**

**Peter Smith  
211 Kisco Avenue  
PB2009-01**

**Present: Peter Smith**

Nanette Bourne: This is a formal applicant for the Change of Use for a 16,000 square feet building, Mr. Smith's client is occupying 10,000 square feet. The applicant has returned with pretty much the same issues addressing the ones you had requested he

address. There are three staff reports. One from me, one from Jeff Econom and one from Anthony Oliveri. All three of us proposed a lot of the same things. I told Mr. Smith one of the questions we all have concern how the building was going to demise and the number of tenants. Maybe you can go ahead and explain to the board.

Peter Smith: There will be two tenants, not three. The more I talk with my client I have a feeling it's going to be one. The overall building is 16,000 square feet, 10,000 is this portion with the partitioned walls, and 6,000 are here. This blank area is four, and this area of existing offices is two, and these two spaces will remain one tenancy and my client will take the 10,000 square feet.

Doug Hertz: This is what you had mentioned when you were here conceptually.

Peter Smith: Yes.

Chairman Cosentino: Anthony, have you checked anything on the site itself?

Anthony Oliveri: I have a memo in the packet. One issue I have is that the square footage doesn't measure out. It looked like you had more impervious going in than you were taking out. Please check your dimensions in your areas there. Because it's in a Main Street area, you need to submit this to DEP for their determination as to their permit requirements, if any. They will want to see that there is no increase in pervious area as well. Also, your handicap aisle is at 9.5 feet, but it really only needs to be 8 feet. The space it self should be 9.5 feet. You need to demonstrate that you are in compliance with the proposed illumination guidelines. It looked like your trespass light was okay, but the minimum, maximum; average and uniform ratios should be shown to comply. Also show your pole heights and state that everything is full cut off somewhere on the drawing.

Doug Hertz: In looking at Jeff Econom's memo, how many parking spaces are we requiring for the foundations' portion of this?

Nanette Bourne: If you look at S-2, the only issue is that it says 33 spaces and it should be 32 spaces.

Doug Hertz: The calculation in Jeff Econom's memo doesn't match that.

Nanette Bourne: I think that is because Jeff misread the plans regarding tenancy.

Doug Hertz: That was my assumption as well. You described for us the uses for the owner's space. How many people do you expect to be working in that?

Peter Smith: I expect two people there half of the week.

Doug Hertz: And we're requiring 16 parking spaces for that by code.

Nanette Bourne: That's how it comes out.

Doug Hertz: I wonder if we can't make the tenant space totally compliant, but redesign the parking lot such that there is better flow in it without having to stripe 32 spaces that won't get used.

Chairman Cosentino: You don't know what he's going to put next door.

Doug Hertz: This seems like one of the few sites where we don't have a parking issue.

Peter Smith: I think there are parking poachers. Many times I've gone down there and there is nobody in Ideal Electric and the parking lot is full.

Chairman Cosentino: It could be from the school next door.

Nanette Bourne: Another item is a suggestion that enhanced landscaping is added to Kisco Avenue. If you look at the plan for S-1, there is landscaping on two sides of the building, and there is an opportunity to do a little bit more on Kisco Avenue and I would ask the board to consider that.

Peter Smith: There is not a lot of room on Kisco Avenue between the building and the sidewalk. I would like to turn the building into a hedge. Just make a green wall, and I can do that with one fast growing climber, a clinging climber called a Parthenocissus Tricuspidata, which is Boston ivy. Also I'd like to plant a Pyracantha at each column location on the building; there are columns every 20 feet, which can be shaped to

spread across the wall. It will be an interesting wall without taking up that 10 foot swab of grass and turning it into a maintenance issue.

Chairman Cosentino: Can you show us what that would look like?

Peter Smith: Probably not.

Joseph Morreale: Does the ivy stay green all year?

Peter Smith: The ivy doesn't, but the Pyracantha keeps berries all year, and the leaves turn color. The ivy turns orange and then an eggplant like color in the fall. It's a pretty interesting plant.

Joseph Morreale: Does it lose its leaves?

Peter Smith: Yes.

Joseph Morreale: So basically you're back to the wall again.

Peter Smith: Not with the Pyracantha. You wind up with a tracery of berries and branches in the wintertime.

Joseph Morreale: So it's colorful.

Chairman Cosentino: It's better than what was there. Nanette, I'm going to leave that up to you.

Nanette Bourne: I think anything is a good suggestion.

Doug Hertz: Would you bring that around the rest of the building?

Peter Smith: I'd bring it around to the south, and I've already called for the Pyracantha on the south. I think it would liven it up.

Doug Hertz: What about this northwest corner?

Peter Smith: I wasn't really going to do anything. The light is terrible. This small part has strip windows that are about six inches wide on center, and there really isn't much room to do anything there. I was just going to refurbish the lawn.

Joseph Morreale: Does the ivy attract small animals?

Peter Smith: It doesn't get that full, because it stays pretty flat.

Doug Hertz: I wonder if that cut out corner is an area where we can do some trees or something decorative. Obviously you have site line issues and you don't want to put anything that is going to get into that. There might be an opportunity to spruce the corner up a little. The building is a bit drab at the moment.

Nanette Bourne: From here, the applicant should revise the site plan to include the landscaping that you just spoke of. If the board is comfortable with that we can go ahead with the resolution.

Doug Hertz: You're turning a fairly sizeable building that was just warehouse into climate controlled. In terms of technologies, are you looking at anything that would enhance that?

Peter Smith: We're looking at a system manufactured by Mitsubishi which is heating, cooling and air cleaning without duct work. It is essentially a very sophisticated heat pump system.

Stanley Bernstein: I know that system. It's an excellent system. It's called The City.

Peter Smith: This is good to hear, because I've never used it. The engineers are cranking it out now.

Stanley Bernstein: It's been around for awhile. Each year they modify it, and make it a little bit better.

Peter Smith: So this is where we're going and we were talking about photo voltaics. The roof seems to be tailor made for it. We are going to explore that for electric.

Doug Hertz: Any alternate low energy technologies, removables, anything that you can bring to this project, and hopefully your client will keep his collection here for decades and we'd love to see every building be as technologically advanced and energy efficient as we can get them. We would encourage every renewable resource.

Peter Smith: I am in agreement with you. The City System does not use an open flame in the building, not even an ignition for gas.

Stanley Bernstein: There is a compressor condenser outdoor unit, and then they have the various indoor units. They are very well-controlled so that you only use the energy required depending upon the heat load or cooling load at that point. You're not making excess heat, because a sensing device is on it to keep it within the range.

Joseph Morreale: You're talking about storage for a fairly large area. Are we going to have truck traffic here?

Peter Smith: Occasionally. Pieces are sent out on loan. If a museum, for example, is putting together a show and there are pieces that can be included, they will be packaged and shipped out to a show and stay there for six or eight weeks and then come back. It's not in and out traffic. It would be a truck moving pictures or a sculpture out intermittently.

Chairman Cosentino: Nanette will write the resolution, and we will put you back on the next agenda.

Peter Smith: Thank you.



**Formal Application:**

**Lutheran Church of the Resurrection  
15 S. Bedford Road  
PB2008-24**

**Present: Laurie Sacewicz, Alfredo LDC  
Matt Sabanosh, Alfredo, LDC  
Reverend Dr. Jack Horner, Pastor**

Nanette Bourne: They have responded to issues that were raised at the conceptual.

Matthew Sabanosh: Since our last meeting, we cut down some of the areas that we were adding to. Actually right now, as far as impervious surface we are at a negative number. We are no longer adding anything less or taking away. We took some pathways, trimmed them and made them smaller for some of the ones that really are not main access points. The one walkway that goes along the front here ranges from 9 to 8.5 to 7.5, so we're getting a uniform cut and making a uniform cut for the whole way. After we cut it we are going to topsoil the area. That takes down some of the area in the front. The walkway is still going to that other parking lot like we proposed with the same width, and we scaled down the rear patio as well. Most of the focus that we want to have is people entering and exiting through the front, so we trimmed down the back. Because of budgetary restrictions, we took out the flexipave areas we spoke about last time and those areas are now going to be lawn areas. At this point, we have reduced the impervious surfaces.

Anthony Oliveri: There is one place in your submission where Flexipave is still referred to.

Laurie Sacewicz: It might have been my mistake.

Matthew Sabanosh: That will now be lawn back there.

Anthony Oliveri: You will have to get some determination from the DEP and submit your plans and you might find that there is no permit required. Because you're decreasing the impervious area, you have to show them that and get a determination from them. You will need to do sediment erosion plan prior to building permit, silt fence, safety areas, etc., and you'll have to show that the lighting that your proposing complies with the proposed illumination standards, you need a demonstration of how that complies; foot candle levels, etc. I know it's only accent lighting. You showed cut sheets, mention that it's cut off lighting.

Doug Hertz: This light that is referred to, where are those being located on the top?

Matthew Sabanosh: It's on the pillar lights as you enter.

Doug Hertz: These may or may not qualify as full cut off. The manufacturer probably doesn't even make a notation of it. I think we have a note in the code for unshielded lights of 100 watts or less are really accent lights? There is a reference, but I don't know if it's on residential only. It says on this it's a 100 watt bulb. I know on the proposed code we exempted certain fixtures if they did not exceed 100 watts.

Nanette Bourne: We'll check on that. The resolution can be queued up for March 10.

Chairman Cosentino: Thank you very much.

Whitney Singleton: Is this an amendment to the last approved site plan? There were a series of approvals you ascertained but did not follow through with, correct?

Matthew Sabanosh: Yes.

Chairman Cosentino: It ran out.

**Continuing Review:**

**Frank Georgiou  
Mount Kisco Diner  
25 Main Street  
PB2003-02C**

**Present: Lucille Munz, Landscape Architect  
Clifford L. Munz, AIA, Landscape Architect  
Kent Johnson, RA, AIA, Kent Johnson Architects**

Clifford Munz: Good evening. We are here this evening with two main objectives we'd like to accomplish. One is to see if we could get perhaps a decision by the Planning Board with regard to a clear direction as to which site plan study or components thereof will address the issues of both our client and the town to make this viable project. The second is to look for a decision by the Planning Board to provide a report and recommendations to the Village Board with regard to the change of use for Lot 9 from OD to CB-2. This is a very special important item; since it is our understanding that none of the approval processes can begin without the acceptance for Change of Use by the village board.

Chairman Cosentino: I know we have ingress and egress on each side. We have a one-way going in and out. My concern is a trailer truck that goes in. Anthony, can it make that turn?

Anthony Oliveri: I have not checked the turning radii as yet.

Lucille Munz: It think it's important to note that a semi won't work in any of the designs. We tried to address a truck that does come into the property, a 30-foot. We listened at the last board meeting to some of the concerns, we met with staff and tried to come up with a couple of schemes or alternates that would meet the current conditions, still meet our client's ultimate goal of an expansion, but at the same time try and figure out which plan would work best. This is a collaborative effort here to get some information and shed some light on any questions you might have and see how we can best move forward. We tried to establish pros and cons with each. Ultimately, personally, I believe that the one-way in and out is the best way because it minimizes the amount of curb cuts on the road which is consistent with the master plan. Also, in speaking with our traffic consultant, he agreed that it was a better plan in that it reduces confusion, especially with the way it functions now. You have the two driveways that are side by side from the Valvoline and the entrance into the diner. It also allows more green space buffering along the roadway as well.

Clifford Munz: The point was in each of these cases to try and demonstrate whether it would or would not work. In some cases when you think it physically could work, but in the case of the semi, which in essence is a non-existent condition, but we were asked to at least explore it, it would need to cross over all of those parking spaces to make it swing. Each of the radii that are in here are DOT radii that we worked from our traffic and civil engineers. The templates were used from our engineers as well. We were able to establish, while albeit it is physically possible very early in the morning, that a semi could make it around, the likelihood is not there. So to design to completely try to accommodate such a situation may not be proper. The next portion of it was the 30-foot truck, which is the typical panel truck and tends to be the largest of the ones that come to the diner, typically vans. He would be able to pass, and we still have the 30 foot pull off regardless. At that time we are also maintaining a good 25 feet wide so he can make it in and out. Looking at the Study Three, the plusses as you're looking at the pros and cons were it physically did certain things, the negatives were that because of that we lost parking spaces, because of that we lost green space. There is a series of things that make it not as good or it doesn't satisfy as many issues as Study One will. Study Two is similar, however, what is shown there is that the 30-foot truck can maneuver completely around. The drawback is that we lose the green space that we needed and we lose parking spaces once again. We go to the single in and out; yes, it's less confusing, we maintain our green space and we maximize the parking.

Kent Johnson: One of the nice things about Study One is that it takes the vehicular traffic away from the pedestrian entrance to the building.

Doug Hertz: One of the down sides of Study one is when you have a delivery you have essentially no other traffic able to get in or out of there.

Clifford Munz: He's pulled off in his own berth.

Doug Hertz: When he's queuing up, he's blocking all in and out.

Lucille Munz: I think you would have that in any of the scenarios. Even if he's queuing up in all of the scenarios he is always going to be in the same spot.

Doug Hertz: But all the other ones have a circular space so there is always a place for the cars to pass by.

Clifford Munz: A car can still pass by. We have enough width.

Doug Hertz: But all of a sudden we have two-way traffic instead of one-way traffic.

Clifford Munz: Also, deliveries are incredibly early in the morning, and they are not that frequent. The ones that are most frequent are vans, no larger than a handicap van or an SUV.

Joseph Morreale: What do you consider very early in the morning?

Clifford Munz: Between 4 and 5 A.M. It's a 24-hour establishment. It doesn't pay for anyone to deliver after 5 A.M.

Joseph Morreale: The 11 parking spaces on the left, who is going to park there?

Clifford Munz: It's the additional parking required to accommodate the additional square footage.

Joseph Morreale: Okay, so a patron parks there, where do they enter the diner?

Lucille Munz: They walk out to the sidewalk. More than likely they are going to go to the front along the sidewalk and cross that way.

Joseph Morreale: Across the traffic.

Lucille Munz: We tried, but we could not get any through sidewalk in the back.

Chairman Cosentino: They would have the same problem back here. If they park back here you'd still have to walk anyway.

Clifford Munz: Keeping in mind, we also addressed here in the RT zone, you have the 20-foot buffer that's required. Again, it was good in the fact that we got greener, it was bad in the fact that it took away a couple of spots. Knowing that bringing this driveway through here just eliminates more spots and more green.

Lucille Munz: I have worked on a lot of downtown improvements projects, probably about 20 over the course of 20 years. One way we try to protect pedestrians in a driveway entrance is where you have the sidewalk go completely across so that it becomes at clear indicator that it is sidewalk and you are clearly indicating to the vehicular traffic that there are pedestrians crossing. It gets people to slow down and realize that there is traffic. Another way that maybe we could handle that is to continue the sidewalk across, and even though it's sloped down, it reads as sidewalk.

Joseph Morreale: The thought that goes to my mind, though, is do you really want to have two way traffic there? That's what you seem to be favoring, Study One.

Lucille Munz: I would say we are favoring that for a number of reasons. One is that we're trying to alleviate the confusion of the one-way in and the one-way out. Also, the confusion of the two driveways side-by-side. It also allows us to meet the zoning requirements in terms of buffer and adequate parking.

Clifford Munz: One of the focuses of the master plan is to reduce curb cuts, and we're reducing curb cuts.

Joseph Morreale: Since you raised the point about adequate parking, can we get an idea of the volume of people in traffic with the catering place?

Lucille Munz: I think it's important to know that it is actually not catering. We spoke more with our client about that and tried to garner what the space needs to be used for and what their need is. Their need is not so much for catering but for booths. Booths make a lot more money for our client than regular tables. Our focus was to adjust the plan to accommodate more booths than are there presently. It is a separate room, but it will function and be open all the time for the booths, and it could be parceled off, if needed for a party.

Joseph Morreale: Are the booths permanent?

Lucille Munz: Yes. The tables in the center are not.

Joseph Morreale: With booths in there, that would restrict the number of people you could have in there.

Clifford Munz: We had long and detailed conversations with Mr. Georgiou and the rest of his family, and the booths in their cases turn over and accommodate the people much better than the tables. In the psyche of the diner, they'd rather have a booth than a table.

Joseph Morreale: What volume of people would fit in the additional room?

Clifford Munz: You have 134 now; you are going up to 191.

Joseph Morreale: At this point, how do you assess the parking now before you would add that room? In terms of the parking traffic now, are we at limit with the parking now available or do we have excess?

Clifford Munz: Right now it's existing parking. Presently the count shows one excess spot.

Chairman Cosentino: Let me clarify this. I think this is what he is looking for. Now they have 63 parking spaces, which is per code. Keep in mind that this board has the power to add more parking if we deem that more parking is needed. The board wants a study on parking.

Nanette Bourne: The distinction is do we meet code, and that was in our earlier discussion. We looked at their numbers and it appears that they technically need to meet code, as the question is does their parking supply meet the parking demand?

Chairman Cosentino: The board decided they want a parking study, which Nanette will be handling.

Joseph Morreale: Actually, the business has been very lucrative. That's great.

Clifford Munz: There is also an extraordinary amount of pedestrian traffic there. That is a focus and a draw.

Joseph Morreale: When you're talking about pedestrians, they're really walking from another location in the village where they're parked. Mostly, people come into the village in their cars. If you want to talk of them walking into your diner, it doesn't make too much difference in terms of the volume of traffic that generates. The questions becomes, where do the employees park, and are we at capacity now with the parking lot.

Clifford Munz: We've looked at off street by occupancy and off street by building volume and we have parking for a full staff, eight, included in that 63.

Nanette Bourne: How many staff members are there on a Sunday morning?

Frank Georgiou: There are more, but they live in the back of the diner. They don't use cars.

Nanette Bourne: How many employees, then?

Frank Georgiou: 15.

Joseph Morreale: 15 and they're all on bicycles? They all live in the community?

Lucille Munz: Yes, sir. Either that or they get car pooled or get dropped off or take the bus. For the most part, most of these people don't own cars.

Joseph Morreale: Okay, then let me go back to my original point. If you assessed the capacity limit right now on a very busy Sunday morning, are we at capacity in the parking lot as the way it is? I'm not talking about code, I'm talking about demand.

Kent Johnson: You're asking as a practical matter, is there enough spots there on a Sunday to accommodate patrons, no matter what the code says?

Joseph Morreale: Yes.

Chairman Cosentino: No, there isn't. That is what the study is for.

Joseph Morreale: So once you put the additional wing in, there will be that much more demand. And if you get 50-60 people in there, you are going to have 30 cars, and that is the concern I have. If you're near capacity now, where are those people going to go?

Lucille Munz: I think one of the reasons we talked about it with seating is to go more towards the booths, is because they don't have as many people queuing up waiting for the booths, so they could service more people more quickly and have less people waiting in the lobby. Our client needs two things, a queuing up space for people who are waiting for tables, but the problem is they have tables available that people don't want. They want booths. Booths are a genre of a diner, so we modified this to accommodate more booth, which will hopefully get more people in and out, and you would have less people waiting and less of a parking demand. There are plenty of people (more in the evening) who park in their lot that don't go to their restaurant. This is an issue they deal with. They don't have people towed because it's not the right thing to do, and that is also something to keep in mind. I don't know how we arrive at that issue. I know what you're trying to say.

Ralph Vigliotti: How many booths are you planning for the extension?

Clifford Munz: Seven.

Ralph Vigliotti: And you're project four people per booth?

Kent Johnson: 32 seats with the addition.

Clifford Munz: Also, keep in mind in order to make the plan work, there are two booths that are being reallocated to another place in the main floor. Along the far side, where you see two groups of eight booths, they are there now in a sense, is a settee. If you take out the settee of four and the three people who are sitting one by one by one next to each other, reorganize them into two groups. The booths are a better working rotation.

Ralph Vigliotti: I'm concerned about the loading berth on the south end of the building, which is the ingress/egress if we're going with Study One. Why aren't we keeping that ingress/egress clear at all times and moving the berth to the southwest corner?

Clifford Munz: The code tells us that if I leave a 25 foot aisle, I am allowed to load and unload in that aisle. With the tractor trailer, not only are we going to accommodate the 30 footer, but we will be able to split this out. I picked up an extra foot so I have a full 25 foot row. That would address your question. By taking off a foot, and making this one way, we would maintain that 25 feet, which we clearly have in the entrance and exit, but for an extra foot I am allowed to take a truck and line that truck here. I can off load and on load all I want and people can go back and forth.

Lucille Munz: It's there because the kitchen is there.

Kent Johnson: It would be impractical to put it on the other side of the building.

Chairman Cosentino: Nanette will do the parking study and we can study it more after that.

Chairman Cosentino: What does the outside of the building going to look like?

Clifford Munz: It's going to be very sophisticated.

Chairman Cosentino: Will you show it to us?

Clifford Munz: No.

Chairman Cosentino: You're not doing your client any good by doing that.

Stanley Bernstein: Mr. Chairman, no building, no approval. I'm not going to allow this without seeing what the building looks like.

Clifford Munz: Alright. The only time the building comes into play is when you sit in front of the ARB.

Stanley Bernstein: Absolutely not.

Chairman Cosentino: If you don't show it to us, I'm going to table it.

*At this point, Mr. Munz handed Chairman Cosentino a copy of the proposed building.*

Chairman Cosentino: I think it's very nice.

Clifford Munz: Thank you, sir. Izzy was proud of it.

Lucille Munz: We get a little nervous showing it.

Chairman Cosentino: Why?

Clifford Munz: Because it's premature in some cases.

Chairman Cosentino: We judge a site plan on what our eyes see.

Clifford Munz: We didn't want to cloud the issue.

Chairman Cosentino: It's not clouding. Work with us and not against us.

Clifford Munz: Yes, sir.

Joseph Morreale: If you had to describe the architectural style, what would you say this is?

Lucille Munz: Our clients are Greek, and we wanted to try and have a representation of their heritage in a way that was sophisticated and not in your face. Something that would fit within the context of the town, but a contemporary version of Greek architecture.

Clifford Munz: The Mount Kisco Diner if you will is more of a restaurant than a diner per se. However, it is still "the diner." A good part of the front portion of the seating plan is the diner, and once you're in is the dining room. We want the dining room to be an extension of the existing diner.

Lucille Munz: That is the entrance and hence the circular steps and circular path here so that as people congregate it becomes a focal point for the town as well.

Clifford Munz: In this area, all of a sudden it's celebrated. Because we need to see down the street. Just like with Izzy's building, I'm not looking for a building with signs all over it telling what it is. He is a landlord.

Ralph Vigliotti: Can we discuss the south driveway versus the north driveway? We have options for Study One, Two and Three. One and Two being the north entrance versus a south exit. It appears to me if you're trying to make the site attractive, people should be going by in their car through the enhancement that you're making at the north end, and it may end up in the long term being a safer drop off area and easier for pedestrians to get into the diner as opposed to the south end.

Clifford Munz: I will not present something that physically won't work. All three physically do work. There is a drawback on Studies Two and Three, that being I lose a little bit of my green, I don't make my 10%, and I lose a spot. Physically without that relief, and we did explore reducing the size of the building, it came down to it's not going to financially work. He can't get his seats, it won't happen and the job will die.

Lucille Munz: We did think about if someone is not able to walk so easily you could potentially drop them off here and continue your way in, but then again we were trying to meet the aspects of the Master Plan with having one combined in and out. In speaking with our traffic consultant that was his initial recommendation; to have one means of in and out for clarity's sake. We end up not meeting the minimum requirement for the green space, and we lose a parking space. In the end that's what we'd give up, but if you all feel that maybe is a better design on a lot of levels, we would not be opposed to doing that. The whole point of this was to give you the opportunity to look at three alternatives, and you give us your feedback.

Doug Hertz: On Study One, I don't think your parking is compliant anyway. You have a five foot space between two handicap spaces. There is no five foot space in the code.

Anthony Oliveri: It's the village code.

Nanette Bourne: It was a memo that was provided and we've been utilizing for our entire site plan but it has not technically been adopted into our code.

Lucille Munz: With the aisle, this will allow people that are parked in the parking lot clear access to the front door in that sense. We tried to plan it in a way with the alignment of the parking that would make sense on a lot of levels.

Chairman Cosentino: When I look at this picture, which is very helpful by the way, if you had a driveway on the north side you'd be taking away green and visibility of the building. If you had one, you'd be going in on the other side of the building, so if you drive by you are not going to see a blacktop driveway but you will see the beauty of the building along with the grass and trees.

Lucille Munz: Some of the parking would be obscured.

Clifford Munz: With everything that's going on here, if you're coming in this way, with the transparency of here, this activity, the people...

Doug Hertz: I don't disagree with any of that. I'm really concerned about how difficult it is to have a two way in and out on that part of the street, the width of it for pedestrians, people who have been parked to get back onto the front to go on the sidewalk; that is a concern. I agree you get great green space, you get shielding and lots of other manages from it.

Lucille Munz: But you have to weight those.

Doug Hertz: Anytime you can reduce curb cuts and provide some more green space, it's a positive. But if you have a 25+ foot wide driveway, that has significant foot traffic on it. Whenever you have cars going in and out at the same time, you've got that blocked view. Because cars do what they do, you have two cars pulling out; one wants to turn left, one wants to turn right, queued up together is tricky because of the light and the traffic on Main Street.

Clifford Munz: Study Two seems to be the preferred, as far as coming in and out. What we would need is a little relief on the green. Perhaps reducing that to a ten foot buffer, which is all you need between at CB and a non-residential. If I shrink that down to 10, I'm going to get another spot.

Stanley Bernstein: Aesthetically, I like Study One.

Lucille Munz: I agree.

Ralph Vigliotti: The problem is when people are backing out of the south area; people who are leaving may have more patience in waiting for that car to back out and to slide out of the site. But the person who is driving going into the site are moving quickly to get to that driveway and the person who is backing out is forcing that person in a holding pattern. We could have a back up of one or two cars in the lot and maybe out onto the street. With the ingress here, it's a slide right in, and the holding pattern is four or five cars from the curb. I think we need more of a study on that. Your illustrations are right on the money, but we need to look at holding patterns with cars being backed up. The first three spots are the ones that are going to cause traffic problems. We are trying to make this a safe situation.

Lucille Munz: I realize that, but it almost doesn't require a study because what you said is right on the money. There is no queuing up. You're driving right in, so you're not waiting for anybody to back up. At the south end you will. There is no denying that, and I don't know that needs a study. We are here tonight to try and see what we can come up with.

Stanley Bernstein: There was at one time a "no left turn" at the exit. I don't know what happened to that sign.

Chairman Cosentino: People are going to do it anyway, so why put the sign there. If a trailer truck delivers there, he is going to park in front and unload, and we have to realize that is what's going to happen. That is a police matter, not for us to decide whether they can or they can't. It is no one's fault.

Doug Hertz: On Study One, on the combined in/out, is that an island?

Clifford Munz: It's paint.

Ralph Vigliotti: In Study One you're showing a 25 foot drive ingress/egress. In Study Three you're showing 15 feet. Where do we pick up those 10 feet that we may have gained? By using the one way in, one way out, the one way out becomes safer. It's just as wide as Study One, correct?

Clifford Munz: I have the 25 feet running the entire length.

Lucille Munz: We just tried to show that, that is what would happen. You can't make the swing along the back.

Nanette Bourne: If you shorten the parking on Study Two, you can pick up green space.

Lucille Munz: We were trying to have a wide driveway so people won't be confused that it's two-way.

Ralph Vigliotti: But we have created a safer south parking lot by going with the ingress/egress in Study Two.

Joseph Morreale: In Study Two, you have a more space for the cars to pull out and you only have one direction of traffic. Then you have pedestrians walking across only having to look in one direction. I think that is a whole lot safer.

Clifford Munz: It boils down to where these two non-compliant items come in. I was very clear in saying; let's get those non-compliant items non-existing. If we can address those, we can go with Study Two and it will work.

Chairman Cosentino: Don't you want something looking nice aesthetically?

Ralph Vigliotti: Yes, but in the long term we have to create a safe site.

Kent Johnson: Keep in mind the architecture of the building doesn't really change.

Joseph Morreale: The building itself is where the beauty is going to be. It's not going to be in the landscaping.

Lucille Munz: Ultimately, this has to be a balance of aesthetics, functionality and safety.

Chairman Cosentino: I received a phone call yesterday and I'd like to verify this. Isn't there something about a parking lot having to have planters in the code?

Whitney Singleton: The larger parking lots, yes. Parking lots of 25 or more.

Ralph Vigliotti: The south parking area, if we go with one way out, we've picked up some footage. You have delineated here a small buffer between the funeral parlor and your business. That technically could be enlarged to create more green space, because we have gained now by a one-way in, one-way out.

Clifford Munz: For every length it's 100 square feet. If you move in a foot, the length is 100.

Ralph Vigliotti: How wide is the buffer now?

Clifford Munz: Two feet, because it can take care of your bumper.

Ralph Vigliotti: So, we could go to three feet now, or even four feet.

Lucille Munz: We can certainly look at that and see how that works.

Clifford Munz: The critical part is from our 18/6 and then 24 feet.

Anthony Oliveri: You also need to get the 30 foot truck out of the loading berth.

Clifford Munz: That's why we have the big sweeps.

Ralph Vigliotti: You can certainly add to this, pick up a foot or two. I would look nicer.



Clifford Munz: There is a 20-foot buffer between this corner and here because of the zone. If I was an OD next to a CB, I only need ten feet.

Doug Hertz: We don't have the ability to waive that requirement. That's a zoning requirement.

Whitney Singleton: There is a possibility that you might have the ability to waive it. I'd have to go back and check it. While we have the applicant here, let me get to how we got to this point. Because the Building Inspector has been out for a period of time, they have not had the luxury of having the Building Inspector do an analysis of their project for compliance to the code. Pursuant to my conversation with Nanette and the Chairman, we thought it was inequitable to hold them up so that they could come in and do their presentation. It seems to me if I were to encapsulate your concerns and the things you need to have addressed are access, loading/unloading and degree of requisite onsite parking. All the other issues with regard to landscape get demand. Everything else, like the Chairman says, is like putting a marshmallow in a piggy bank. When you push something here, it's going to pop out over there, and I don't think the applicant is really able to address your concerns until you have ascertained what exactly you are going to require for parking on the site.

Chairman Cosentino: We need the parking study before we go any further. Once we get that, we can proceed.

Nanette Bourne: Depending on how the weather goes this weekend.

Chairman Cosentino: After we get the traffic study, we'll put you right back on the agenda.

Clifford Munz: How does this translate to the village board next?

Chairman Cosentino: We can't make any recommendation to the Village Board until we finish our process. Once we make our decision, which is very close by the way, we can make a recommendation to the board.

Clifford Munz: It is sounding like out of all of this, Study Two seems to be shining brightest out of the three. It's doing the most. It seems to be accommodating the paramount, the safety, and the in and out.

Chairman Cosentino: You did a good job.

Doug Hertz: You have one set of board members who like the extra green space of Study One, and you have another group of board members who like the safety and flow aspects of Study Two. Those are the two views that are primarily expressed.

Lucille Munz: I think it was good doing it this way because it gives everyone an opportunity for dialogue, which makes the process more pleasant and streamlined in the end. We can all get to the same place with enough information.

Chairman Cosentino: If our study comes in where you need "X" amount more parking, we'll let you know because you have to figure out what to do. As soon as we get that report, we will put you on the next agenda.

Clifford Munz: I have nothing else to submit then, up to that point?

Chairman Cosentino: No. You did a nice job.

**Correspondence:**

- Memorandum from Jeffery Econom, P.E., to Austin Cassidy, Building Inspector dated January 26, 2009 re Building Permit for Pinecrest Manor.

**Comments:**

Doug Hertz: Last year the CAC began to address our board about energy and other related things that they are working on. We talked about coming up with some suggestions about guidelines that maybe we could forward to the Village Board for being able to put a little more "teeth" in some of our dealings with maybe large commercial buildings; maybe possibly requiring buildings of a certain size to be LEED Certified or something like that. We talk about it whenever a specific project comes to us, but we don't have any guidelines, any set of things that we're using. I wonder if we shouldn't

put on the agenda for the next six months a discussion of, if there is something that we'd like to maybe ask the village board to consider as a way to add some "teeth" to what we can do.

Sol Gibbons: Certified insofar as what?

Doug Hertz: Let's say a new commercial building above "X" square feet should meet certain guidelines. Whether it's energy star or LEED or whatever other kinds of things or whether we want them to be "X percent below an average on water usage, which is a village-wide issue. What ever the various things we can use to give ourselves to make these new buildings come in that much better. Right now we're doing it on an ad-hoc basis.

Joseph Morreale: It sounds like the lighting discussion that we had for a long time. It was really led by two people, you and Tony, and that worked. I am wondering if we should do it that way again. I don't know if the six of us talking about it is going to work.

Ralph Vigliotti: It took three years with three people.

Doug Hertz: I'm totally with you. I'm not suggesting anything as broad as a lighting ordinance. I'm thinking is there a structure that we could use, when dealing with a larger commercial building that would give us better leverage to get a better building?

Nanette Bourne: The County task force is putting together their action, and the most significant piece of that is to help smaller municipalities have the same building coordinators and all the high price items to get this going to come up with model legislation. The County Executive claims that is the objective to what they are supposed to be working on. LEED certification is opportunistic and problematic in that it has become extremely popular and it's very hard to get anything LEED certified right now. It takes three years to get in the queue. Now there are three or four different LEED like model ordinances, and I think these are all out there. I don't think you have to re-invent any of this.

Doug Hertz: Would it be feasible for you, because you have access to this, to present some options at some point that we could consider amongst ourselves and then if we like them, maybe make a recommendation to the Village Board that we think something like that is a positive step?

Nanette Bourne: Mr. Gmelin and the CAC have done so much of this research, and I'm surprised that he's not involved.

Stanley Bernstein: I usually attend their meetings, and he is working on something now that they are going to present to the Village Board.

Doug Hertz: That's what we thought they were doing, but they're clearly not.

Stanley Bernstein: They will. They are working on recommendations for the Village Board.

Ralph Vigliotti: They're certainly further along than we are. How far along are they?

Stanley Bernstein: They have already done the carbon footprint for the village.

Doug Hertz: But that's a measurement. I'm talking about a concrete set of guidelines that we can use, in particular for commercial buildings. 211 Kisco is a warehouse that is being turned into an office. They are completely "rehabbing" this building. It's not that different from building a building from scratch. We don't have the tools to say this is what we will require for building on 16,000 square feet.

Whitney Singleton: For an existing building?

Doug Hertz: Maybe existing doesn't work. Maybe we need to be able to understand. An existing building that is being completely re-worked, I don't know what to suggest. Certainly for a brand new building, certainly for a Lexus. We didn't require them to be LEED certified. We did require them to put in the re-circulating water.

Whitney Singleton: That was based upon a clearly defined impact on our water system, and that is a mitigating factor as far as an application. If you're going to tell people, you need to do it this way, you need to do it that way; it's not based upon municipal law. I

don't know if you saw the cover of The Examiner, but people are ready with pitchforks and torches over the new sign ordinance. Wait till they see that the Village Board is scheduling a meeting with you on lighting regulations. They are furious.

Ralph Vigliotti: That's why the sign ordinance has taken 15 years.

As there was no further business, on a motion by Mr. Gibbons, seconded by Mr. Vigliotti, the meeting was adjourned at 9:55 P.M.

Respectfully submitted,

Stanley Bernstein  
Recording Secretary

dm