

Minutes  
Meeting of the Planning Board  
Work Session  
Village/Town of Mount Kisco  
Tuesday, May 12, 2009

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

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Stanley Bernstein  
Sol Gibbons  
Ralph Vigliotti  
Joseph Morreale

**Members Absent:** Doug Hertz

**Staff Present:** Whitney Singleton  
Austin Cassidy  
Daniel Peluso

**Staff Absent:** Nanette Bourne  
Anthony Oliveri

**Minutes: April 14, 2009**

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

**Continuing Review:**

**Bellizzi**  
**153 Main Street**  
**PB2009-07**

**Present:** Isidore Albanese, Owner

Whitney Singleton: Mr. Albanese has applied for an outdoor dining permit at his establishment. He is proposing to have eight tables and up to 34 chairs. The current use at his facility is a retail food use, for which he was approved originally in 1991 and given an additional Certificate of Occupancy for adjoining space in 1995. He has operated there with various forms of outdoor dining, and he has now revised his application so he has a sidewalk café on the privately owned portion of the public sidewalk. All of his proposed access will be on the property owners property. The Planning Board will set a draft resolution for consideration this evening. I have gone through it and made various corrections and/or modifications, and they are before you. Basically we decided to clarify some of the history of the site, and I have supplemented the conditions of approval to incorporate what we have incorporated in other outdoor dining permits. I have set some items, which are specific to Mr. Albanese's application, specifically Condition No. 13, which requires compliance with all the conditions. Condition No. 15 requires that all submissions that have been made to date either by reference or by actual **INAUDIBLE**, particularly in regard to the approved plan prepared by H. Stanley Johnson shall delete any reference to the term restaurant. Condition No. 16, as your board previously requested, the claim shall also be modified to depict the location and number of proposed tables and chairs. That is essentially all I have on this.

Vice Chairman Sturniolo: So the deletion of the word "restaurant" means that this survey has to get redone, and the word deleted and show the tables and chairs.

Chairman Cosentino: Because I don't want to hold him up, I am going to make that a condition that he brings back a survey with the tables on it and the word "restaurant" deleted.

Whitney Singleton: He already has one copy that shows the tables and chairs.

Planning Board Work Session  
May 12, 2009

Chairman Cosentino: It's not on the sealed and signed copy. We need to have an original on file.

Vice Chairman Sturniolo: The food that is prepared inside, how does it come to the outside dining area?

Isidore Albanese: It depends. Sometimes people pick it up; sometimes we bring it to the table after they order it at the counter.

Stanley Bernstein: Do they have to order it at the counter, or is there someone there to come take their order?

Isidore Albanese: There is no tipping, usually.

Stanley Bernstein: I'm not asking about tipping. Does someone come there and take the order at the outside table?

Isidore Albanese: No. It's ordered at the counter.

Stanley Bernstein: The customers have to go inside, place an order and then take it back out or it's delivered.

Isidore Albanese: Yes, we have five registers altogether and we have a delivery business.

Whitney Singleton: That is one of the items that has been kind of expanded upon in your resolution. So that this does not become a point of debate later on, I have a Certificate of Occupancy here this evening. This site was approved as a food retail use because there are zero parking spaces for the site. He pre-dates any of the requirements in the code for parking for tables at a food retail establishment. Therefore, he is allowed to continue under that scenario, so long as he operates as a food retail establishment and does not expand the scope of the non-compliance and further provided he does not expand the scope of his operations to become a restaurant. He has to remain food retail. The pertinent distinguishing factor was in regard to this particular application is that the food may not be served at a table or at a counter where a patron is sitting. It has to be picked up by them and they can go to any table or any countertop or anything else in the establishment, but they are not allowed to serve.

Chairman Cosentino: If somebody is sitting at the counter, and they order a slice of pizza, he is not going to go behind the counter. It has to be served to him, right?

Whitney Singleton: If it's picked up at the place where there is an order. Just like he would do at a smaller scale pizzeria. Just like he would do at a donut shop, deli or anywhere else, and then you could go sit at your table. That is entirely permissible. That is no different than what is done at M & R Deli, I shouldn't call them out by name, but you know the places around town. You are allowed to get your meal and then sit down at a table and eat that meal. So long as it's done in that fashion and you don't have waiters and waitresses taking your order and bringing you the food at your table, it will not constitute a restaurant under our code. That is my interpretation. The Building Inspector is in the room if he wants to dispute that or has a different interpretation.

Chairman Cosentino: Austin, the question I brought up, and I think Whitney answered it, if he's got stools and people are sitting on the stools, and "Joe" orders a slice of pizza.

Austin Cassidy: The transaction of business as seated at a table or a counter it is a restaurant.

Isidore Albanese: We have no counters, no stools.

Joseph Morreale: Whitney, on 11 I, we need to have some explanation of the statement that says "all food and beverages to be served at sidewalk cafes and outdoor dining areas." It strikes me that they are not going to be served. Is that correct?

Whitney Singleton: Yes. I can change that term to consumed. While this section was written to the applicable food retail and restaurant, it's sort of written more along the lines of restaurant. I will go back and verify that there are no other inappropriately termed things.

Joseph Morreale: Otherwise it sounds like a restaurant.

Isidore Albanese: In these times we are glad we're not a full service restaurant. We might be out of business.

**Resolution to Approve the Resolution for an Outdoor Dining Permit Subject to the Changes Recently Discussed at this Meeting Tonight, Such as the Deletion of the Word Restaurant on the Survey and the point regarding Section 11 I, and the Tables Marked on the New Survey**

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

Isidore Albanese: Thank you, and have a good night.

**Final Action:**

**Omnipoint  
One Mountain Avenue  
PB2007-12**

**Douglas Warden, Attorney at Law, Snyder and Snyder, on behalf of Omnipoint Communications**

Whitney Singleton: As you will recall, at our last meeting, you approved this resolution subject to the final wording. The site plan is for the pole location is for Omnipoint Personal Wireless facility on Mountain Avenue should reflect the motions that were made at that meeting. The substantive review of the pole location has already been undertaken by the Village Board since they were the board for jurisdiction for applications outside the personal wireless overlay district. It has been referred to your board solely for the purposes of site plan approval, and you reviewed that over the last couple of meetings and approved it at the last meeting subject to the finalization of the language. We have incorporated the conditions that you requested. Specifically, I questioned the application of Condition No. 7, and made certain modifications to Conditions Nos. 12 and 13. I don't know if Austin is still in the room. With regard to Condition No. 13, the baseline drive test and updated plots did not have a period of time in which they needed to be submitted to the village, so I verified that that becomes more than six months of the site becoming operational and additional copy be provided to the village board for future reference. I don't know what the pleasure of the board is relative to Condition No. 7, since there is really no landscaping plan. The applicant has been provided with a copy of this draft resolution.

Chairman Cosentino: I would suggest that the clean it up a little bit. It's not tidy.

Whitney Singleton: That is addressing Condition No. 6.

Chairman Cosentino: Is a Certificate of Occupancy issued for this?

Whitney Singleton: I would think it would be a Certificate of Compliance.

Chairman Cosentino: Before the Certificate of Compliance is issued, I think someone ought to go up there and make sure the place is cleaned up.

Joseph Morreale: Condition No. 6 does not indicate who would make sure this was done to what level of clean up. All it says is the applicant shall clean up. How would we make sure this was done to the acceptance of the village?

Whitney Singleton: It says subject to confirmation from the Building Department. All of these are subject to enforcement by the Building Department.

Joseph Morreale: Without a statement about what clean up means, there is not a whole lot you can enforce.

Whitney Singleton: We can change it to "prior to the issuance of a Certificate of Compliance the Building Inspector and/or engineer shall confirm that the applicant has cleaned up the site including all etc., etc." Is that acceptable?

Joseph Morreale: Cleaned up to what standards?

Whitney Singleton: To the satisfaction of the Building Inspector.

Ralph Vigliotti: How often does the Building Department have to go up there to check?

Whitney Singleton: It's a fenced in area in the middle of the woods. Perhaps Mr. Warden can assist, but I don't believe people are out there on a basis more frequently than once a month.

Douglas Warden: That's how often our representatives visit for maintenance purposes, one visit once a month.

Chairman Cosentino: We go up there to check the water tanks.

Ralph Vigliotti: I wish I had a ground maintenance company under contract to go up there once a month and spend an hour and cut the weeds down. This way we know it would be getting done, because it's not getting done. I know you're only renting that segment of the pole, but it's not getting done.

Joseph Morreale: If there isn't a landscaping plan, then what sense does Condition No. 7 make? Should we strike that?

Chairman Cosentino: I think we should leave it in so if it's not maintained, we can go back to Condition Nos. 6 and 7.

Joseph Morreale: It should probably read, "With an approved landscape plan." There is no "the" approved landscape plan. So, we could change that to "in accordance to an approved landscape plan" and leave it to the future.

Whitney Singleton: I don't think that is a good idea, because we can't hold them to a standard.

Joseph Morreale: Then what does the approved landscape plan mean, then?

Whitney Singleton: There is none.

Chairman Cosentino: Maybe we should delete it then. What do we do now?

Whitney Singleton: In addition to Paragraph 6, we can also substitute 7 with language to the affect that the applicant shall maintain the site free of debris and shall maintain it on a monthly and/or seasonal basis.

**Motion to Approve the Resolution for Omnipoint Wireless Confirming the Small Language Changes Discussed Tonight**

**Motion: Vice Chairman Sturniolo**

**Second: Joseph Morreale**

**Aye: Sol Gibbons**

**Aye: Ralph Vigliotti**

**Aye: Stanley Bernstein**

**Aye: Joseph Morreale**

**Aye: Vice Chairman Sturniolo**

**Aye: Chairman Cosentino**

**Formal Application:**

**Special Permit Application:**

**Mount Kisco Athletic Club  
333 North Bedford  
PB2009-05A**

**Present: Michael Gallin, Principal, Gallin Design Studio,  
Architect representing Diamond Properties  
Jim Diamond, Diamond Properties, Property Owner**

**Rick Beusman, Owner, President, Mount Kisco  
Athletic Club  
John Collins, John Collins Engineering, P.C.  
Of Counsel: David Stolman  
Lester Steinman**

David Stolman: This is sort of the last piece of the puzzle, and the glass is getting more and more full. We want to make sure the contents of the glass don't brim over the top. Dr. Collins and my partner Michael Galante have gotten together and they have submitted what they intend to do to study the situation. I think perhaps traffic is the most critical component. There is a request for a 50% increase over what had been established previously by virtue of the Planning Board approval. We are waiting for that traffic analysis. Do you have an estimate of the time frame, Dr. Collins?

John Collins: The memo I submitted to the board covered machine counts and manual traffic counts that the locations in the vicinity of the project. Going down to the intersection of 117 and Preston, going up to the north driveway covering Ice House Road, covering the Burger King driveway. In effect, many of those are issues that deal with the cap and how we prove we are meeting the cap of 300. In addition, there are machines that have been put on the driveway both on Ice House Road and the north access road, similar to what we have done before. In conversation with Mr. Galante, he has also suggested that we put a machine on 117, which we will comply with. He has also requested that we extend the counting period of the manual traffic counts of the driveways to make sure we cover a longer period than just the morning peak hour and evening peak hour and midday. Once that data is collected, we are going to take that data and expand the site up to its theoretical capacity without the increase in the cap, making use of whatever square footage is remaining. Then we are going to do the analysis as if the cap was increased to what was requested in order to accommodate the applicant. We'll do a full analysis at all the locations indicated for both the A.M.; mid-day and Saturday hours at each of those locations as well as an indication of what the peak hour would be the morning, mid-day, afternoon and weekends, which are critical hours. In talking to Dave before, right now the soccer field is not used during the week for practice. It is used extensively on Saturday. We will also estimate that use at least in the evening hours by the Recreation Department at some future date, if they so desire. That is the sum total of the study. We will put it all in writing and include all documentation and submit it to the board.

David Stolman: Do you have a time frame for that?

John Collins: The counts are being done now. I'm expecting the counts will be completed by the end of this week or the beginning of next. It will be a few weeks out before we get the data in. I would say probably by the end of May or first week in June.

David Stolman: That is information that is really critical to this before we can go too much farther. Does anyone have any questions?

Chairman Cosentino: I think you hit it. We need this information, which we don't have.

Joseph Morreale: When we originally approved this, you talked a lot about the synchronization of the light and how it would keep the traffic flowing reasonably well.

John Collins: Jim Diamond asked me to check that with DOT and we are doing so right now; to see if they have, in fact, coordinated the lights. If they haven't we will find out why and ask for a report.

Joseph Morreale: Coordinated the lights where?

John Collins: Along 117. All the lights from Preston Way up to the north driveway.

Joseph Morreale: Are you aware what's happening? We've seen traffic backed all the way back up almost to Mavis with this, and that doesn't sound very synchronized.

John Collins: Agreed. I do know we delivered all the interconnect equipment to the state, and I want to see where they are coming down in their progression.

Joseph Morreale: It sounded like in the study all you're doing is counting cars. I would like to know wait time on that road.

John Collins: We will also do that. We intend to do a full study, not just the count.

Joseph Morreale: It sounded that way.

John Collins: The first data I have to do is compare the counts to capacity. Then we will do a complete capacity analysis in all locations for the delay time. We're going to do synchronization and that information I will most likely submit to the State.

David Stolman: This is going to be very much like the original study that was done.

John Collins: It's a re-do of the original study, basically.

Ralph Vigliotti: Heading north on North Bedford Road going into your south entrance, there is a holding lane there. When we're heading to the north entrance there is no holding lane, and there is no left turn. I think it's time we take a thorough analysis of the north entrance and whether or not a parking light is needed to be synchronized with the CVS light. That entrance to be the entrance that you ask your customers and clients use on a regular basis. What is happening is things are getting backed up at the south entrance. Whether it's your folks trying to get out, or in, it's getting backed up into the entire village. I don't think it's your entire fault, but the traffic light is adding to the traffic difficulties there. The north end should truly be the main entrance, but it needs a light and it needs to be synchronized. That entrance is wider and there are a lot more holding patterns north. Traffic north by Kohl's is not at much there as you will see as you approach Burger King and getting into the A & P and so on. We are growing and we will continue to grow at this site. That north entrance should be the main entrance, but it can't be as it stands now because there is no light. You need to take a look at that.

John Collins: Just a few thoughts on that. There is a light, just about 50 feet south which is a problem. They don't align only because of the location. The possibility of creating stacking for making a left turn in will be difficult because you've got the left turn into Foxwood and the shopping center on the east side of 117. There may be a possibility of getting a left turn out, and that's what we'll explore. That could possibly become a slave to the existing light, so we'll look at that. But there is almost no way to get that in. It would be very much similar to what we have done at Target, where the driveway opposite Burger King is a right turn in and a left turn out.

Ralph Vigliotti: Sounds like the idea of a light at the north entrance, making that left turn out, could naturally direct traffic to that spot.

John Collins: We will check it out.

David Stolman: I have a few comments regarding the parking analysis, relative to the numbers on the table and that table would be the coral and the blue in the long document.

Jim Diamond: This was from the previous meeting.

Michael Gallin: Just to be clear about that, true to what we presented the first time, our intentions did not really change in the process. There have been no changes in terms of scope from what we presented on the first pass.

David Stolman: One can kind of deduce how you arrived at some of these numbers, but I think you need to explain that, especially the 5% and the 95% numbers.

Michael Gallin: What specifically are you referring to?

David Stolman: We have numbers here, and as one is going through this and looking at the tables that are just prior to that, there is no real correlation between the numbers in this table and the numbers that are prior to that.

Michael Gallin: There actually is a direct correlation. The numbers in this table for the parking counts are directly related to the cars in the lot number, which is the last column on the previous chart that you are referring to for the hours that are shown here. The 10:30 A.M. weekday would correspond to the 10:30 hour slot under the rightmost column.

David Stolman: Were do the cars and lot number come in?

Michael Gallin: How did we come up with that?

Jim Diamond: It's been a few weeks since I've looked at this in detail, but essentially we worked with Rick in terms of figuring out his scheduled the way Mount Kisco Athletic is

projected to operate in this facility, which is more intensive than the current facility because it's a larger facility. Using the people arriving each hour, and the projected trips in and out, we were able to project what the parking utilization would be as well as the number of people in the club.

Michael Gallin: I assume you're asking specifically about the athletic club? All the other numbers for all the other uses were derived from the previous applications and previous approvals.

David Stolman: The athletic club numbers and the physical training studios.

Jim Diamond: In terms of the general parking analysis and the rest of the tenants of the facility, the numbers that are in here are per code requirements. Our actual utilization is substantially below code, and we will be having a manual count at each of these time periods sometime tomorrow or the day after in conjunction with John's traffic analysis and will submit those counts to the board as well. We are largely occupied now, other than the sports arena and Mount Kisco Athletic, so we can take a physical count and compare them to the code requirements as well.

Chairman Cosentino: And the satellite building.

Michael Gallin: We write a description of the assumptions for the satellite building.

David Stolman: I don't mean to be difficult, but let's not get ahead of ourselves. I still didn't hear an answer as to how you derived the numbers for the cars and lot column.

Rick Beusman: There is a spreadsheet that took a load factor when you look at an hourly basis in terms of members, time onsite, and we can show that to you. I think that answers your question.

Jim Diamond: It breaks down each of the areas within the club; the men's and women's locker room, cardio, free weights, etc., from every hour from 5 A.M. to 11 P.M. and it shows how many people are projected to be in each one of those areas at every hour of the day.

David Stolman: For example, peak weekday, 5% of the time, you've got 220 in the peak hour and that is a result of a total of that row. You end up with 187 in the lot somehow. I still don't understand how you got that. That has not been explained yet. Coincidentally, if you take the 220 and you add that to the 95% and divide by two, you get 187.

Michael Gallin: I think that is completely coincidental.

David Stolman: It seems to be coincidental also if you take the weekend and do the same thing - you get the exact average. Instead of getting 131 you get 132. I'm not saying that's any better, but it's our job to try to verify that what you're proposing is reasonable, and I don't have a way of doing that.

Michael Gallin: We have a formula that takes the 220, makes some assumptions about how long people are staying and how many people are traveling in pairs versus somebody arriving alone, and that equates the 220 to the 187. I think the easiest way to resolve this is for us to just submit that formula to you for your review. It's a basic formula that gets from here to there, but it has a series of assumptions, and I don't think we're in a position to answer all those questions because we didn't bring the formula with us.

Rick Beusman: I can give you the sense that there may be 220 at any given hour, but they're coming and going. If you keep taking the snapshot at 10:05, 10:10, 10:15, the cars in the lot are going to change and the occupancy is going to change as people are coming and going. It makes an assumption that as people are active that they may be staying in the club for an hour and a half. We then space out for an average one-hour stay, ultimately that says you're going to end up with 187 in the lot and you've had 220 during that hour. But the maximum occupancy in that hour is 187 in the lot, but you have more people coming and going.

David Stolman: I understand your logic, but it's in a black box right now. I'm trying to verify that it's reasonable, especially since is the last component. We have to make sure this is right.

Michael Gallin: Absolutely. We're not trying to hide that from you. We will have it for you.

David Stolman: I don't mean to imply that you're trying to hide anything. I can't really verify anything until I have it.

Rick Beusman: We're trying to point out that there is a struggle between parking and utilization and people coming and going. There is a calculation you need to see, to see if you think that is reasonable.

Michael Gallin: There is also another formula that shows the relationship between the 95 and the 5 %, and we can supply that formula as well. We made some assumptions about what would be the 5% scenario. There is a chance that if you merge those two formulas there is some sort of relationship that we weren't aware of, which is quite possible. We will submit all that data to you.

Jim Diamond: To elaborate for a second on the 95% v. 5%, obviously those are estimations of percentages, but the 95% is basically the way we feel the club will operate substantively nearly everyday of the year for the vast majority of the time. But we also wanted to present sort of a worst-case scenario of the 5% maybe one day a month where just the way the stars align that will be the peak occupancy for the day.

Chairman Cosentino: In the front of MACK and the sports arena, how many parking spaces are in that one area, approximately?

Jim Diamond: Around 450 to 500.

Chairman Cosentino: Let's say there are 500. On the peak time, 9:30 and 10:30 in the morning, what would you, have say Saturday afternoon?

Rick Beusman: Quiet. There are people there, but it's a very quiet time.

Chairman Cosentino: I'm trying to figure out if you have approximately 190 cars and the sports arena is 120, and 270, it works out pretty good, I guess.

Rick Beusman: Not only that, their peak in the evening is when we'd be lower. You have a kind of mixing and different filling in.

Jim Diamond: In the materials that we submitted at the last meeting, we took the number of parking spaces required for code and the projection for Mount Kisco Athletic and Sports Arena requirements, and we mapped them out on these graphical drawings, color coded by the tenant requirements, we demonstrated that it works at all times of the day. Again, this is per the code requirements. The actual utilization on the site is, I believe, substantially lower. If you drive down there anytime during the day during the week, and right now everything at the facility is occupied from here north, you'll see there are a substantial number of empty spaces from here north. Probably 35-40% of the spaces are empty. I think that is because given the size of the site, and the number of different tenants we have and the number of parking spaces, there are a lot of different factors working. People out on vacation, companies who have fewer employees than the code would expect; we have a tremendous number of excess parking spaces. Even per the code requirements we demonstrate here that we have more than adequate parking.

David Stolman: Maybe you can get some information from John to compare what you are talking about from the athletic club versus something in a reliable reference or for that size.

Michael Gallin: We did that, actually, and we can submit that comparison. We did it separately. First we got the estimates based on what we felt the utilization was. We took the plans and provided those diagrams. Then, subsequently we asked John for the ITE Standards. They were amazingly similar in terms of the peaks. The only major difference is the ITE showed a peak in the evening. The estimates that were generated based on experience of the Mount Kisco marketplace is that the peak is going to occur in the morning. I don't know whether that is because when the ITE standard does it they are basing it on facilities in the Midwest, and over there people exercise at night, or that was the trend ten years ago, but that's the difference. In terms of the loading of that peak hour, they were very similar. We can submit a document that shows that.

David Stolman: Thank you. This raises the issue that we are going to be talking about in terms of Grand Prix and also the sports arena. What happens if there is an application



for overlapping multiple special events? Who separates the two? We have to deal with this issue as we get to the end of this process.

Jim Diamond: I think if both events go to the Village Manager, Building Inspector, whatever the final process is, he would have the ability to stop a collision.

Chairman Cosentino: That doesn't work, but it could be managed some other way than we're doing it now.

Jim Diamond: I don't think there will be special events with this use, however.

David Stolman: This is all conversion here. If you're using a table here to get an approval for the sports club, but if there is an aspect for this table that is not working, then it doesn't really work.

Michael Gallin: Understood. And we will admit that if Mount Kisco Sports Arena and Grand Prix New York have concurrent events for 500 people that both get approved by the board, then we have a problem.

Chairman Cosentino: They won't be approved, but that doesn't make any difference.

Ralph Vigliotti: Don't tell us that's a problem. If you come to the board or the agent who is granting permission, they won't allow both to go on and that won't be a problem.

Michael Gallin: We need to solve that problem because obviously that is non-workable.

Rick Beusman: Last time we were here we discussed in the course of our business, generally about four times a year we would have what you would call a special event, which is where we have a group exercise, open house, members and guest. Those occur during the day, particularly on a Saturday, but we would certainly let you know and we can be flexible if there is a problem.

David Stolman: Even in the context of this application we have to deal with these special events.

Chairman Cosentino: I don't think that is going to happen, but we need to protect ourselves anyway.

David Stolman: My last comment at this point in time is relative to the training facility and training studio. That is about 6600 square feet, roughly, maximum of 25 inside. That seemed a little light to me for the size of the space.

Michael Gallin: We will ask John again to defer back to ITE for a building of that size, and see whether our number is consistent on this vantage and then we'll have a baseline to defend that number or make an adjustment.

David Stolman: That's all I have for tonight.

Lester Steinman: The only thing the board should consider is sending the application to the Westchester County Planning Board so that process can get started.

Michael Gallin: We also submitted a letter, so the board is aware, to Austin Cassidy, Building Inspector. At the previous meeting we were asked to get an interpretation of that accessory use. We've gone ahead and submitted that request and are awaiting response. That is specifically regarding the zoning code, which limits us to three accessory uses. For example, Rick at the Mount Kisco Athletic Club will be selling things behind the counter, but it doesn't have a defined space. Part of the interpretation is if you're selling something behind the counter, is that really an accessory use?

Chairman Cosentino: You need to get an interpretation on that.

Michael Gallin: We're waiting for that response from Austin.

Lester Steinman: If Austin needs some assistance I'd be happy to help him.

Vice Chairman Sturniolo: John Collins is going to be doing this traffic study and have a completed in the next several weeks. The last time we did one of the traffic studies, there was a carnival going on and a school holiday for a long period of time, and the numbers weren't exactly representative. Does anybody know, in the next couple of

weeks, are there any unusual things taking place in the village that could throw John's traffic study off?

Joseph Morreale: When are you going to do the study?

John Collins: We've already started. The manual counts are done already. The machines are out. We hope to be completed before Memorial Day. The only thing that has to be done now is a machine has to be put out on 117, as per Mike's request. We will probably keep a couple of machines running, but the data collection should be done by Memorial Day weekend.

Ralph Vigliotti: Will there be someone on site collecting this data? I know the trip count is very important, but more important than the trip count is the movement of cars at that intersection. You need to be there watching the movement of cars to see why they're being backed up. You will have a driver that is so stubborn they will sit in two lanes to make the left-hand turn out and create a blockage. So the trip count is going to look good, but there are other things that are causing this back up.

John Collins: What time of day does that occur?

Ralph Vigliotti: Saturday late morning. There is a reason there is a back up and it is not about trip counts. It is about looking at making that intersection any better.

John Collins: Is the problem primarily in the northbound direction?

Chairman Cosentino: The heavy back up is going north.

Jim Diamond: We definitely do not have a queuing problem leaving our site. My window faces that south exit and I've never seen more than three cars on Ice House Road.

Vice Chairman Sturniolo: May I suggested that all the things you wanted to be done we get in a memo form?

David Stolman: I'll be happy to memorialize it in a memo.

### **Correspondence**

- Letter from Mary Galasso, NYDEP to Jeffrey Contelmo dated April 21, 2009 re Northern Westchester Hospital Center Emergency Department Addition

Daniel Peluso: The engineer from New York City DEP approved the application for the Northern Westchester Hospital Center Emergency Department addition. They said they met the "Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources" approved on April 21, 2009. So the Northern Westchester Hospital Center application has been cleared from this point from the New York City DEP.

Chairman Cosentino: Excellent.

- Minutes from Beautification Committee dated April 1, 2009

As there was no further business, at this time on a motion by Mr. Bernstein, seconded by Dr. Morreale, the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Stanley Bernstein  
Recording Secretary

dm