

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, May 26, 2009

Meeting called to order at 7:30 P.M. at the Municipal Building Mount Kisco, New York.

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

Members Absent: **Joseph Morreale**

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

SPECIAL DISCUSSION

Zoning Revisions

Whitney Singleton: We originally were not going to have a meeting tonight, but then it became evident that it might be a good idea to, if we are not going to have anything else on the agenda, start talking about zoning revisions. Although Nanette and I did not have an opportunity to really go out and see different provisions from other towns and assemble all that information, it might nonetheless be good to get an idea of what your board would like to see going forward; given some of the issues that you feel you might have been handcuffed with in the past, so that maybe we can come up with some proposed legislation. Nanette and I have each been keeping a running list of inconsistencies or shortcomings of the code. We have compiled our two lists and put them in front of you minus the changes that have already been referred to the Village Board. The Village Board already has received your referral for changes to section 110-38, which is a Change of Use Permit, and they have also received your request for changes to the definitions associated with Change of Use, and with the requested changes to various sections of the code, whether it be site plan, supplementary regulations, Board of Appeals, Planning Board, 110-46 on Special Use Permits, 110-52 on Amendments to the Code and various sections that have public hearing requirements. They have incorporated those requests as well as part of their upcoming public hearing. That public hearing date has been set for June 29, 2009. The only thing they are not presently entertaining yet is changes and corrections to the zoning map. That will be incorporated as well, but to date there is nothing. The fees are not being considered because Jim Palmer wanted to go back and double-check that. We adopted so many fees all at once a couple of years ago that he just wants to make sure that everything is consistent. There are many fees associated with the code they want to verify, i.e., plumbing electrical, things beyond just the Planning Board. They want to make sure they are all correct. When they were sent in to the State for adoption, they were properly adopted, but when they were sent to General Code Publishers that got garbled a little bit. The zoning map fixes have been referred but have not been scheduled for a public hearing yet. The Village Board wanted to discuss what exactly they were before scheduling a public hearing. There was only an introduction by me, no discussion, and the scheduling of a public hearing. The only other thing to be incorporated in that is consideration of some legislation for an FAR requirement. The Deputy Mayor requested this and the board backed him up on it. In addition to having building coverage and development coverage, they want a limitation on floor area ratios. Also being considered as an FYI is taking maximum building coverage for the zone and doubling it. So, if you want to go more than two stories, you make smaller footprints.

Nanette Bourne: Doubling the maximum building coverage?

Whitney Singleton: No. Floor area ratio. Let's say you are allowed 25% building coverage in the zone. You would be allowed to have 50% of the lot area in floor area ratio. I think it has some shortcomings. I suggested having a diminished returns as your lot increases in size.

Nanette Bourne: That encourages people to have flat covering the lot. You want it to be properly fitted on the lot.

Whitney Singleton: Correct. It would not change building coverage, but it would encourage you to make a better utilization of the space on your lot. Mount Kisco has very generous building coverage for its residential districts. For example, in the RS-12, which is basically our least dense zoning district, if you have a minimum size lot, you can build I believe a 14,000 square feet house.

Doug Hertz: RS12 is 12,000 square feet and building coverage is 25%.

Whitney Singleton: Right. So, a quarter of 12,000 is 3,000 and you can go up two and one-half stories, which is really three stories, and you can have a full basement. Start to think about the size of the building. That would be 3, 3, 3 and 1,500 for the half-story. As long as you have a secondary form of egress this is a suitable size, that is allowed.

Anthony Oliveri: You need light and ventilation also.

Whitney Singleton: I am sure that it can be designed. And that is our least dense zoning district.

Chairman Cosentino: Isn't that for bedroom use?

Whitney Singleton: Let's not get into State building codes.

Chairman Cosentino: You made a statement here that you have to have egress.

Whitney Singleton: You have to have safe egress for fire safety under the State building code.

Nanette Bourne: For a bedroom, but not for a great room.

Whitney Singleton: Right. The point I am trying to make is not exactly how many square feet you can have. The point is, in our least dense zoning district, you are entitled to some very generous development rights. What is happening is, in our denser residential zoning districts, people are starting to explore the outer limits of what they are allowed to do. Most people do not have the minimum lot size. When you think of the size of the home they can put, it is crazy.

Nanette Bourne: I think there is some good model legislation on this that has come out of Scarsdale and Tarrytown, and you do not have to reinvent the wheel on this.

Whitney Singleton: When I had done it, I examined and incorporated a model in August precisely what Scarsdale had done. It is very involved.

Anthony Oliveri: Greenburgh has a whole schedule for FAR where they list all the square footages of the lots on a 500 square feet increment. You might want to look at Greenburgh.

Whitney Singleton: The deputy mayor was looking for simplicity, and he thought it would to simply take the building coverage; multiply it by 2 and that would be an easy solution. I think where that becomes problematic is that it lends to a certain type of construction, and I do not think it covers the type of situation where you have oversized lots. Take Moore Avenue, for example. It is a zone that requires 6,250 square feet, and there are some lots there that are 24, 30,000 square feet. They only have to meet the setback on the front, rear and side, which are negligible. You could easily put a 20 or 30,000 square feet building on a lot like that. Things have changed a little bit recently, but where we are going with the economy, it is in your economic interests to build that kind of construction.

Chairman Cosentino: You have to get back to the reason why they are building that, for selfish reasons.

Whitney Singleton: That is why I am tying it into the economy. If we do not have a limitation on the headcount that can exist in a dwelling unit, then theoretically you can have 100 people living in a single-family home.

Chairman Cosentino: How do you prevent that?

Whitney Singleton: If you look under the Uniform Fire and Building Code, there are limitations as to how many people you can put in a bedroom. On average, it is around 50 square feet a person.

Chairman Cosentino: In a room with 100 square feet, you are allowed two, eighty square feet you are allowed one.

Whitney Singleton: Yes, and that is what the Building Inspector goes on. If you want to make sure, it is a simple portion-ality as to the size and structures that are going to be situated on lots.

Chairman Cosentino: I sent someone to the building department, as he rented a room from a person in town. After he rented it, the owner split it up, and now there is a curtain between it. He was told he could not use the other part beyond the curtain. He did not mind that, but he has to walk through the other side of the curtain to get to his side. These are the things that are happening.

Whitney Singleton: We have a building in town, which I have been going through many depositions on. It is an apartment with six rooms. Each of the six rooms had become a separate and distinct apartment. So a three or four unit building all of a sudden becomes 24 apartments.

Chairman Cosentino: And they do not want to inspect it?

Whitney Singleton: Verifying those conditions are very hard.

Stanley Bernstein: Please explain "doubling."

Whitney Singleton: Let's say the maximum building coverage for your lot translates to 1,800 square feet based upon the size of your lot. That would give you a maximum floor area ratio of 3,600 square feet. Right now we have no limit on floor area, so there is an incentive for you to occupy every square inch of your building.

Anthony Oliveri: The limit would only be through height.

Stanley Bernstein: Two and one half stories can give you three levels.

Whitney Singleton: You can have four living levels on two and one-half stories, counting the basement. Depending upon some interpretations we have gotten into regarding what is a basement, cellar, etc.

Chairman Cosentino: You need to have some kind of a provision for a fire escape.

Doug Hertz: New construction needs sprinklers, egress.

Whitney Singleton: What we are really faced with now is that the third floor is becoming a separate and distinct. You have people going in and out of fire escapes as a primary and sole mean of ingress and egress.

Chairman Cosentino: You can have a third floor as an apartment, as long as you have two apartments in the RT6 area.

Whitney Singleton: We are trying to figure out here what the parameters should be of space that can be legally occupied. Forget the number of apartments and where they are located. It is the overall massing that we are talking about.

Nanette Bourne: Interestingly, different from other communities this is a use issue. Other community's issues were size and relationship of buildings to each other, light, the creation of mansions and starter castles.

Chairman Cosentino: We had that on Lexington Avenue. To make more space, you go up. Unless you put a dormer in and make the height, if you do not have the height you cannot utilize it. That should be presented. Just because you have an attic does not mean you can use it.

Whitney Singleton: We have a definition of what a half-story is, which is defined as a maximum permitted percentage, not more than 50% with a ceiling height of not more than 7'6".

Chairman Cosentino: Ceiling height - does that mean middle or ends?

Whitney Singleton: I really do not want to get into that now. I was simply trying to advise you that the Village Board was looking to deal with the issue of introducing floor area ratios.

Chairman Cosentino: When you mention the third floor as an attic, you need to define what an attic is and what a livable space is.

Whitney Singleton: If you are defining maximum square footage that you can occupy within a dwelling, it then becomes self-executing. We don't need to measure ceiling height.

Chairman Cosentino: If an attic is the footprint of the house, and the attic is smaller, you do not have the full use because of the slope in the roof. We do not have a floor area ratio requirement, and it would be good to have that. Right now, if you want to finish an attic, you will get a permit to finish an attic, no matter what the slope is.

Anthony Oliveri: The code defines that it has to be over a certain height in order for it to be habitable. If you go for a permit and want to finish your attic, you are not going to get the permit if the ceiling is too low. It is defined in the code now.

Chairman Cosentino: Yes, but they're going to say they're using it for storage and after you give them a Certificate of Occupancy they have beds up there. It is nothing you can really police unless you went back again. I think you have to define what attic space is.

Whitney Singleton: A lot of these numbers relative that were referred to your board we do not have a linear amount of building coverage per lot. It is an equation where there are diminished returns. Instead of starting out at 30% in most zoning districts, it now starts out at 25% and goes down as the lot area increases in size. We adopted that six months ago.

Chairman Cosentino: A question. For example, if you are in an RT6 and you want to make an apartment in the basement and you comply with ingress and egress but you do not comply with the basement, and you don't have 7'6", but yet upstairs you need 7'6"?

Whitney Singleton: I do not know what the minimum height requirements are for basements. I thought it was 7'6" across the board.

Chairman Cosentino: It is not 7'6", as I was told it recently and I was surprised when I heard it.

Whitney Singleton: I take it your board would feel it advantageous to introduce a floor area ratio?

Doug Hertz: I think having a floor area ratio makes sense.

Vice Chairman Sturniolo: Is there a downside to that?

Nanette Bourne: Yes, there are down sides. If you look at the study that Scarsdale did, they did a few alternatives, which showed the downside of a floor area ratio.

Chairman Cosentino: 80% of your basements are center. You would eliminate that.

Whitney Singleton: That would not be something that is covered or not covered here. If its space that is utilized within the building as finished space, you go toward a floor area issue and we would not be making people rip out basements or attics or anything else.

Chairman Cosentino: I am talking about something new.

Whitney Singleton: Yes, and that is where our problems are and that is why we see some the additions that we see. We also did not, at one point in time, have any restrictions on the maximum size of an accessory structure. We had someone build a six-bay garage with a full second floor and the accessory structure dwarfed the principal structure. We are trying to head these things off before they happen. I cannot change State building code. If the village wants to adopt a more restrictive requirement and apply to the State, they can do that.

Chairman Cosentino: Isn't that what we are here for? That is what I'm talking about.

Whitney Singleton: We are here tonight to talk about zoning.

Chairman Cosentino: I think you should discuss that, as that is important.

Vice Chairman Sturniolo: Nanette, would you please get us information on Scarsdale?

Nanette Bourne: Yes.

Chairman Cosentino: I am only suggesting this because we have many illegal basement apartments here.

Whitney Singleton: If they are there illegally, they are going to stay there illegally.

Chairman Cosentino: I'm talking about new.

Whitney Singleton: I don't think you would get something approved with a seven-foot building height as dwell-able space.

Chairman Cosentino: You do. It is a dangerous thing to have an apartment in the basement that is unsafe.

Whitney Singleton: Some of the other things that are going on in another community is a new requirement that all new structures must be fully sprinklered. If you build an addition on your home and it goes over a certain size, you have to sprinkler the whole house and retrofit it. Interestingly, you have to sprinkler your buildings, but accessory buildings are not allowed to have potable water, because they are worried about people living in them. Therefore, you have to design a system that provides sprinkler to your structure, but you cannot get a cup of water from it. It is an enforcement issue. They have too many people living in garages and pool houses, etc. However, that was not the focal point of tonight's discussion. We can go through the list and identify some of the issues, where you can bring things up. Automotive Uses - Right now, we have a requirement in our code that requires a 1,000-foot separation distance between facilities that conduct automotive repair. If you take the 307/309 North Bedford Road building, I think they have six automotive uses within the 1 building, let alone 1,000 feet apart. If you have a 1,000-foot radius, you are basically creating a 2,000-foot diameter, within which people can conduct automotive uses. I do not know how many automotive repair uses we have in town, but I can assure you if we enforce this regulation there will be no more than two in the community.

Doug Hertz: What are the other things that regulate automotive uses? Where are they permitted, in what zones?

Whitney Singleton: The service/commercial, ML.

Nanette Bourne: They are permitted as accessories and special permit in the CL. It is not just zones they are permitted in.

Whitney Singleton: The question is do we want to enforce those things?

Chairman Cosentino: If you are not going to enforce them, you need to change them. You have to do one or the other.

Nanette Bourne: The issue is what is your policy? What is your objective for automotive uses?

Chairman Cosentino: In that same code it calls for certain automotive uses, i.e., in service districts, work cannot be performed outside the building. That is not so bad if the building looks nice on the outside. There is a repair shop right on Lexington Avenue where you see trucks jacked up all the time and tires off it, outside, and nothing is done about it.

Whitney Singleton: That is not entirely true. He pulled one over on a prosecution.

Chairman Cosentino: He is always doing that.

Whitney Singleton: That actually went to trial.

Chairman Cosentino: I am not talking about a used car lot. I am talking about repairs. That was never a used car lot. Everyone knows it.

Whitney Singleton: I agree 100 percent on that.

Vice Chairman Sturniolo: Where it says, "auto repair shops have not been enforced", it is not reflective of the community. Does that mean that the community desires to have all these automobiles present?

Nanette Bourne: That is really the question I am asking. What is your master plan policy objective?

Vice Chairman Sturniolo: This sounds like the Village is encouraging automotive repair.

Nanette Bourne: It is a snapshot. Is this reflective of the community that you want? What is it that you want to achieve? Do you want to have a separation requirement? Do you want them to be confined to one district?

Chairman Cosentino: I think if you have a repair shop, repairs should be done inside your repair shop and not outside.

Nanette Bourne: Automotive uses are permitted in the majority of the non-residential districts but not in the CB1 and CB2. Either its gasoline stations with limited repair or repair as long as it is done on the inside. I think it is a more complicated issue. What is it that you want? Do you want to separate gasoline stations? You cut it a whole bunch of different ways. You have gas stations, and very few of them do automotive repair anymore. Most of them have mini-marts, and the mini-marts are more of a principal use than the gas station. A 1,000-foot separation is a simplistic unachievable statement. It is not only unachievable, it does not reflect what is in the village right now and it probably does not reflect what you all want. I think the first thing you have to do is figure out what you want in terms of automotive/gasoline/repair/limited repair. We had the issue on North Bedford Road where he wants to have repair plus a spray booth. Are you comfortable with that?

Chairman Cosentino: You brought up a good thing. You may be comfortable if the work is done inside, but you are not comfortable with the way the property looks. You can have a gas station that does repairs, but you do not want cars outside with "for sale" signs on them, parked there day after day. You do not want spaces rented out. You want it to look presentable. The land on North Bedford Road needs a lot of landscaping to make the building look nice. When you come into town and look at that building, it is like back in the 1950's.

Nanette Bourne: So it is not the use that bothers you, it's the existing condition of the property?

Chairman Cosentino: I think we have to study the use, there is no doubt about it, but I think the landscaping makes a big difference. There are other buildings on North Bedford Road that are old looking as well. The furniture store needs a major work over. There is always a tent up.

Stanley Bernstein: With all repairs being done inside, you completely knock out any tire repair shop. All their work is outdoors.

Whitney Singleton: It is prohibited in our code.

Stanley Bernstein: It is done everyday.

Whitney Singleton: It is done in one location in Mount Kisco because it is pre-existing from the 1920's.

Nanette Bourne: Setting aside the property maintenance issue, is it your desire to separate some automotive uses?

Chairman Cosentino: I am only one person on the board, but I say work should be done inside the building and I am going to go crazy on landscaping. This town deserves better than what we see, and I do not see it. If anyone is going to come before this board, they better be prepared to have a landscaping plan.

Doug Hertz: The only other law like that that I am aware of that we have in town are liquor stores.

Nanette Bourne: Also fast food, adult entertainment, billiard parlors.

Whitney Singleton: When we say "automotive repair," it is a number of things. It says, "Gasoline stations, commercial garages and motor vehicle repair shops. No driveway to or from any commercial garage, gas station, or motor vehicle repair shop shall be within 1,000 feet of any other such use or within 200 feet of a boundary line of any residential district or of any school, church, park, playground, hospital, public library, institution for dependence or children or any place of public assembly or restaurant designed for the simultaneous use of 100 persons or more regardless of the district where either premises are located." It then goes on to say, "building, accessory structure, fuel dispenser or service appliance shall be within 20 feet of a street line." You are talking about any gas station in town.

Nanette Bourne: Is that a problem?

Chairman Cosentino: It is not a problem for me, again, if the establishment beautifies their place and makes it look nice for the village, and they work inside.

Doug Hertz: Here we have a law trying to prevent certain things from happening. Do we want these things to be prevented?

Chairman Cosentino: In the same token, are you talking about something new that would be coming into the village?

Doug Hertz: That is all we can regulate.

Chairman Cosentino: If something new such as a gas station comes into the village, I think it should be prohibited. We have enough of them right now.

Doug Hertz: There will be many things that are going to change. Whatever the newest technology is, whether it's a hydrogen-refueling thing, who knows?

Nanette Bourne: So maybe the separation of automotive from each other is not as big an issue as the relationship of whatever we define automotive to be, to residential and other sensitive uses. Maybe you want a separation from those uses or enhanced landscaping or buffering or some performance standards that keep driveways away from anywhere where kids are coming to school or people are going to church, etc. Maybe it is not the number in the village that bothers you so much.

Chairman Cosentino: It is the number. But there certainly is no room for it in the village. We cannot be the melting pot for everything that comes in. There is somewhere where we need to stop.

Nanette Bourne: But who could have predicted that gasoline stations on the whole would become accessory to a mini mart? 20 years ago, we would have thought it rather grotesque to go shopping at a gas station.

Chairman Cosentino: It happened because we allowed it.

Nanette Bourne: So has it improved gasoline stations?

Chairman Cosentino: It has not improved gasoline stations; it is an accommodation, an increased service. The problem is getting them to do the maintenance work on that.
Whitney Singleton: I will give you an example. Here are two examples that exist under your Supplementary Use Regulations. Motor vehicle sales rental service and storage, sales rental service, service and storage, gasoline stations, commercial garages and motor vehicle repair shops. What is the difference between automotive service and automotive repair and a commercial garage? And there are different regulations that apply to each.

Chairman Cosentino: Service would cover everything including repair.

Doug Hertz: They are currently in separate sections and we are agreeing they're the same. The suggestion is that we should clarify that.

Vice Chairman Sturniolo: To me, service includes changing a windshield wiper blade, installing a new transmission, doing an oil change and spraying your car for body and fender work.

Nanette Bourne: As far as community compatibility, changing a tire, changing a wiper blade is almost customary daily service items. Bodywork and spray-painting is not a customary daily part of our lives. Filling your car up with gasoline is something that

routinely and predictably happens. Bodywork is not. You don't want those out on Main Street?

Ralph Vigliotti: How do we restrict this so it is not on Main Street? How do we move it to an area that is more conducive?

Whitney Singleton: Generally, you find them in areas that are more industrial.

Nanette Bourne: But not your gasoline stations. You have just proved my point.

Ralph Vigliotti: Do these shops belong in an area today where they may have fit quite nicely 45 years ago? The uses were preceded all the other uses, so where are we going with this? We are trying to prevent having wrecked cars sitting in front of the entrance to the village.

Doug Hertz: My preference would be to have auto-refueling stations not restricted, but we should try to restrict other types of automotive repair shops, body shops, etc., to less conspicuous areas. Keep them away from residential zones, hi-profile Main Street.

Whitney Singleton: In the section governing gasoline stations, Condition Number 110-30-F5, "no canopy or similar type of roof structure provided over the fuel pumps shall be permitted." They all have them because they all come to the Zoning Board for a variance and the Zoning Board uniformly grants a variance. The reason is the extinguishments are actually more effective in a dry condition and the canopy camouflages the very hideous extinguishments equipment. Is that a change that you would like to see?

Nanette Bourne: When canopies were first introduced, they were humongous things that were dispersing light everywhere. They were in and of themselves advertising devices. I do not think anyone wants that.

Stanley Bernstein: That is not the way it is now.

Ralph Vigliotti: I think we have gotten used to it.

Chairman Cosentino: It works for self-service, going to the pump at night in the rain.

Whitney Singleton: Would you like to see the canopy prohibition come in?

Stanley Bernstein: There is nothing wrong with the canopies. They can be controlled with the lighting code. It is a good feature and it could be controlled with the sign ordinance.

Whitney Singleton: Under our code, it is deemed a building. It goes to their overall building coverage.

Chairman Cosentino: There is only one station in town without one.

Whitney Singleton: Because everyone else gets a variance.

Ralph Vigliotti: Let them go through meeting the right code, having the right lighting and signage.

Nanette Bourne: You do not want that to go through the ZBA do you?

Whitney Singleton: It would have to go through your board.

Doug Hertz: We want it to be allowed but controlled, so let's write the restrictions that we want.

Ralph Vigliotti: So we're allowing canopies?

Nanette Bourne: With restrictions.

Ralph Vigliotti: Why allow them? Why not just prohibit and let them go through what they've been going through for the last 15 years?

Nanette Bourne: Because then you don't have any control over it. It goes to the ZBA and they have control.

Whitney Singleton: It's a pro forma rubber stamp for the ZBA anyway.

Ralph Vigliotti: Ellman Brothers used to be a combination tire and gas station. Is the gas piece gone from their site plan?

Whitney Singleton: Yes.

Chairman Cosentino: It was not a gas station for public use. It was a gas pump for the use within.

Whitney Singleton: I've had meetings with the property owners and they've made it perfectly clear that they have no intentions of abandoning that use, and we've made it perfectly clear that they're not going to continue to operate that use in the poor condition it currently exists in. They are coming in with certain physical improvements. They are going to paint the building, get rid of the graffiti and there will be some areas restored to curbing. As part of the new paving of Lexington Avenue by the county, there will be certain curb cuts that are eliminated. We've allowed grandfathered uses in Mount Kisco to continue so long as the degree on non-conformity is not increased. We have also made it known to them that there are certain conditions in Mount Kisco, which the Village has simply amortized over time, whether it's lighting, signage, etc. We have amortized out and now they're completely eliminated incinerators in Mount Kisco. The Village Board has asked me to look at the possibility of amortizing that use of outdoor work on tires out because it is just such an eyesore to the village. They have seen that we are serious about this, and there is going to be some improvement there.

Chairman Cosentino: Why shouldn't they just go to the ARB like everyone else?

Whitney Singleton: No one goes to the ARB to continue to operate in an existing building.

Chairman Cosentino: You're fixing up the front of the building.

Whitney Singleton: We're making them. They are not doing it of their own volition. As you know, the site plan is dating back, basically a century. We don't exactly have a comprehensive file on this project.

Chairman Cosentino: Will that come in before us?

Whitney Singleton: No.

Chairman Cosentino: The Village Board is going to do this?

Whitney Singleton: No. We're doing it through enforcement.

Chairman Cosentino: Who approves the looks of the building, the color the landscaping?

Whitney Singleton: The color is going to be approved by the ARB Chairman.

Vice Chairman Sturniolo: That's strange.

Whitney Singleton: We're not going to tell him what color to paint the building. We're going to give him suggestions.

Chairman Cosentino: What about landscaping? Who is in charge of that? That is very important.

Whitney Singleton: I don't think they're proposing doing any landscaping.

Chairman Cosentino: That defeats the whole purpose of painting the building.

Whitney Singleton: We're doing this under Code Enforcement. We're not doing it under site plan review.

Ralph Vigliotti: They cannot pump gas there at all, right?

Whitney Singleton: Correct. Just tire changing.

Nanette Bourne: We will draft something for your review. The next one is Special Use Permits. Whitney what was the example we used?

Whitney Singleton: I don't recall the example, but it's kind of the opposite of Number 5.

Nanette Bourne: Let's skip that one for now.

Nanette Bourne: Number 7 is the merger and single and separate ownership.

Whitney Singleton: This is something that we are probably not going to want to get into, but I will explain that many communities have merger provisions where you have a substandard lot that you wish to build on and you have an adjoining lot from which you can either take land or combine it with the other one, and you have an obligation when they come under common ownership to merge those lots. For example, we have approximate four or five applications right now, and have had many in the past. We have the Moses Fish subdivision from 1908 and the David Moger subdivision from even before that in the 1890's, which are 25 x 50 foot lots. Most people take five of them and build a house on that. They aggregate it. What is to prevent someone from coming in and saying, "I want to build five houses on these five lots."

Chairman Cosentino: It's a substandard lot. Besides going to the ZBA and not conforming to the 6,250 square feet, there would be variances galore.

Whitney Singleton: Why would I go to the ZBA for a variance? My lot was created.

Chairman Cosentino: Setbacks against the other house.

Whitney Singleton: I'll meet the setbacks. I'll put two of the lots together. The point I'm making is you can have, and we have had in Mount Kisco people building on very, very small lots. Basically, the rule is now so long as you meet the setbacks you can do it. Then when they have issues with building or development coverage, they go to the ZBA for relief and say, "there's no point in me building a 1400 square feet house on this location, give me relief." Many communities say if you own adjoining parcels that you have acquired after the effective date of this zone, so it would not apply retroactively, only prospectively, if you require two side-by-side lots and they are both substandard or one is substandard, you won't have an automatic right to build on it.

Chairman Cosentino: What zoning is this in?

Whitney Singleton: Any district, any zoning.

Chairman Cosentino: So if it's in a RT6 and there are substandard lots, if you mingle them together, there is a possibility you can build two, two-family houses if there is enough of those lots.

Whitney Singleton: Let's say you have two 50 x 100 lots that are, side-by-side. They were approved in 1948. Now the RT6 says you have to have 6,250. In our village, you would be able to build two homes on those two lots. In other communities, you will be forced to merge them together into a single building lot.

Chairman Cosentino: The question is do we want two, two-family lots there, or do we just tell the applicants since we're creating a new lot, we'll let you build one?

Nanette Bourne: The way our code is written they have an "as of" right. These are really two separate issues.

Whitney Singleton: For example, one of Sol's lots is substandard. He'd have to merge it with the adjoining lot.

Doug Hertz: But this is not suggesting merging existing. You're talking about someone only going forward acquiring this, and if you have a substandard lot, you can get relief and build as of today.

Whitney Singleton: You don't even need to get relief. You just need to get a building permit. You are always going to have to meet the setbacks or get relief.

Vice Chairman Sturniolo: Obviously, we don't want to continue this policy today. We want to change it to eliminate the building.

Whitney Singleton: Yes, but it's a very divisive issue. You have people out there that will say, "What are you talking about? I have two more building lots next to me. Those are my retirement." That is why you only make it prospective. They have to have

acquired title to those parcels after the date of enactment of the code. We will work on it and put it before you.

Ralph Vigliotti: My main concern was Section 3 and 4.

Nanette Bourne: That related to Section 1.

Whitney Singleton: Going back to one, Change of Use Permits.

Doug Hertz: I thought this had been referred out.

Whitney Singleton: As you will recall, when we referred it out, there was some urgency to refer to the board to get the process rolling. As I identified for you, it needs further work, further refinement. I think you can easily do it yourself. Providing further comments to the village board I am sure would be welcomed on this issue. This is a very hard one for me to get my grips on. Nanette did a very good job in trying to identify those things, which would trigger a major change of use versus a minor change of use.

Stanley Bernstein: For you it's a difficult process, for me it's simple. The code should say everything comes before the Planning Board. Period.

Chairman Cosentino: We'd have to meet two nights a week, every week.

Nanette Bourne: Do you really think that when Commerce Bank became TD Bank, that should have come before the Planning Board?

Stanley Bernstein: Walk through. Come by, looks nice. Do it. What happens if TD Bank, without our knowledge, decided to do something? Make a different ATM situation?

Doug Hertz: They have to go for a conceptual and formal approval.

Stanley Bernstein: We could streamline that.

Whitney Singleton: Your board is not allowed to entertain an application without a review by the Building Inspector.

Doug Hertz: I've been on that side, and that process is very long, even for renting a space.

Ralph Vigliotti: The bottom line is TD did the right thing, changed the sign opened the door and they were ready to go. What happens if they didn't?

Stanley Bernstein: They could have made a circular drive-in for an ATM.

Nanette Bourne: That would have come before you because it was a change in the site plan.

Whitney Singleton: For example, let's say I was to vacate my office and another law firm was to go in there. Do you guys really want to see Smith & Jones replacing Singleton & Singleton?

Ralph Vigliotti: If Smith & Jones were bringing 25 attorneys, does that change anything?

Whitney Singleton: No, because our parking requirements are predicated for the most part, depending on the use, the square footage.

Vice Chairman Sturniolo: And that's the horse before the cart. We should be addressing parking requirements.

Whitney Singleton: I think our parking requirements could use some refinement.

Nanette Bourne: We're not there yet, that's another issue.

Whitney Singleton: Right now we're trying to figure out what change at a site triggers a referral to your board?

Ralph Vigliotti: I think Nanette outlines it pretty well.

Whitney Singleton: The problem is Austin has problems with it that I can appreciate. This determination as to what is major and what is minor has to be based on some set of criteria, which is identifiable. This is, like many things in Nanette's field, kind of touchy-feely.

Doug Hertz: Can't we have a caveat that says, when in doubt, punt to the Planning Board? You put in predictable and quantifiable measurements as to what triggers a minor versus a major. In my view, it's going to be impossible to define every circumstance or set of metrics that truly work in all circumstances. So, given the fact that we're never going to get there, and given the fact that there will be situations that are clearly major, clearly minor and those where Austin is going to have a huge amount of discretion. In those situations, if it's not clearly major or not clearly minor, it's major. It should be punted to us. The default should be it goes to us.

Nanette Bourne: How do you write that? That, in fact, is the practice we're trying to do. It goes back to you know it when you see it.

Doug Hertz: I think you've done a good job of defining it up to a certain point, but I think any measurement like this is going to fail somewhere.

Whitney Singleton: I will give you an idea of what I think should be introduced to this. I could be wrong and maybe we'll all vehemently disagree. Based on applications we've had before us recently, I think it has been and can continue to be a major problem for us if we allow spaces to be sliced and diced into multiple stores in any fashion they want without having to come back to your board. Specifically, when you have a 6,000 square foot space that has one retail use in it, and that retail use was the sale of draperies, and then you have an application coming along that wants to slice the building up into three or four uses and become a commercial strip mall, and wants to put in a convenience store, a donut shop. The triggering mechanism in that case might be where you are subdividing existing space. Then you're creating different access points, different delivery points, etc.

Doug Hertz: Ultimately, that is a site plan issue. If you're using the building in a different way than the site plan was presented, whether or not you're putting multiple access where one existed.

Nanette Bourne: If you change the way the building functions, it comes here.

Whitney Singleton: If you put your ingress/egress on a corner of a building in a blind corner that should come before you. You must articulate that as an objective criteria.

Ralph Vigliotti: While the Building Department needs to have an opinion whether to come forward, we have to carefully craft the wording.

Doug Hertz: Why don't you guys create a laundry list?

Nanette Bourne: Such as to include but not be limited to?

Doug Hertz: Additions or subtractions of entrances, ingress/egress, parking illumination, signage, multiple access points, division of the spaces or combining of spaces.

Whitney Singleton: Changes in ingress/egress to buildings, changes in delivery sites.

Nanette Bourne: The site issue at CVS leases to various separate entities such as the pharmacy. You wouldn't want to look at that?

Ralph Vigliotti: No, unless there is a bakery in there. They could lease out to a Starbucks or a Dunkin Donuts and that could certainly change things.

Nanette Bourne: Target leased when they went in.

Ralph Vigliotti: Your point is well taken.

Whitney Singleton: If you're changing the number of uses within the space that might be a good item.

Doug Hertz: Or subleases.

Nanette Bourne: The reality of the way business is done today is that all of these businesses do some -----.

Ralph Vigliotti: CVS didn't come before us, but what if CVS had a new business trend and now they were going to do Starbucks in the side of their store?

Whitney Singleton: Under our current code, the Building Inspector would be required to look at it to see if there is an increase in the parking requirement. If there were an increase in the parking, it would come before you. In that particular scenario, it would be a function of whether they have seating. Food retail has the same parking requirements as retail unless you have seating then the parking requirement goes up. All the scenarios you are thinking of right now are all downstairs. Start to think about second floor of office buildings, 100, 90 and 110 South Bedford Road. People are going to re-demise space on the third floor of 100 South Bedford Road. That's going to go before the Planning Board? They've taken a space that used to be space for one person that is now broken into three different offices. That's going to the Planning Board?

Vice Chairman Sturniolo: As one voice, personally I don't mind doing the extra work.

Stanley Bernstein: I agree.

Chairman Cosentino: That's why we need to change that. What you just said does not change the parking requirements. Where you had an office that you had one person going in with a secretary, you now have a doctor that has 15 or 25 patients a day.

Nanette Bourne: That is an easy one. Under our code right now, that comes to you. That is a change of use because it requires more parking.

Whitney Singleton: You mentioned the doctor, which threw the whole thing into a spin.

Nanette Bourne: But if you go from the one lawyer here and the architect here and they switch...

Chairman Cosentino: That's different.

Whitney Singleton: How is that different?

Chairman Cosentino: Because they are switching from office to office.

Whitney Singleton: If this is a floor occupied by a law firm of 50 lawyers, and the economy is not doing well and they decide to move to White Plains, and they keep only 50% of the space in the Mount Kisco office with only ten lawyers, and the other half of the space becomes an accounting firm with six accountants, there are less people in the building. Is that going to go before the Planning Board?

Chairman Cosentino: No, but when you have doctors there it's different.

Nanette Bourne: That comes to you now. You have different parking requirements for doctors.

Ralph Vigliotti: I'm caught up on change of retail use.

Whitney Singleton: What about restaurant?

Ralph Vigliotti: Let's try to formulate something here. We have several buildings and we could play the devil's advocate all we want. We have the Cohen building, the different Martabano buildings that could come to fruition. How are we going to protect the village from all of these little minor retail establishments that will cause chaos as far as traffic, traffic movement and the look of the village that we've spent a decade trying to change? How do we address all of those so they come back before this Planning Board so we can make sure they are safe for pedestrians, safe for traffic movement and fit into whatever Master Plan we have for the remaining retail buildings? How do we make sure they come before us if there is a change?

Nanette Bourne: I think 90% will get caught. It's not going to catch 100%. I think we are struggling with the fact that we're not going to get the 100%, because there is going to be something that is just unique.

Whitney Singleton: It's easy for Austin to say let's punt it up to the Planning Board. The reality is the situations that you are trying to address in a bonafide fashion are the ones that come in with the teams of attorneys. They are the ones that say, "Mr. Cassidy, show me where I need to go to the Planning Board. I want my building permit, I put my application today, and I want my application now."

Ralph Vigliotti: There are other things that can trigger. Anything that has 24-hour operation or a beer distribution should trigger.

Nanette Bourne: Without identifying the property, there is a real situation with that. Austin was faced with that very scenario, and he said to call me. I said as far as I'm concerned and as I will advise the Planning Board, and I know I have the village attorney on my side, I think you need a Change of Use Permit. If you want to challenge this, go ahead and do it, but I think going to the Planning Board is going to be a lot faster than your challenge. You cannot, though, write that in the law.

Whitney Singleton: We're trying to. We're trying to make it very clear those who have to come and those who don't. You need to identify the things that you have a problem with. Traffic trip generation, parking, ingress/egress, etc.

Ralph Vigliotti: There are sites that don't even show where they would pile snow or where they would have their dumpsters.

Nanette Bourne: That's a different issue. It's not on this list.

Whitney Singleton: That's where you have substandard site plans.

Doug Hertz: Why don't we make that a trigger to us? If your site plan does not meet current guidelines.

Whitney Singleton: Section 100-35 says "nothing in this section shall be deemed to prevent the normal maintenance and repair of a non-complying building or structure, provided that such action does not increase the degree of or create any new non-compliance with regard to the regulations pertaining to such buildings or structures."

Nanette Bourne: You have a substandard lot with a substandard building, you know you can't bring everything up to code, because it can't be done, but you bring it to the Planning Board to improve it; the landscaping, the illumination, the signage.

Whitney Singleton: How do you accomplish that?

Nanette Bourne: We have to make a change to what you just read.

Whitney Singleton: So where you have a building that is non-compliant...

Doug Hertz: Or a site plan that is so old as to be indecipherable, or lost, or "this is the way we have been doing it and I have no document that says I can't do it this way."

Ralph Vigliotti: What you have here is getting closer, we just added a few more pieces and I think Doug's piece is an important component.

Stanley Bernstein: This is a very complicated and difficult situation. I like what you've done here and it suits our purposes very well. Instead of saying you have to come before the Planning Board if all these other things apply, why can't you say you must come before the Planning Board unless, all you're going to do is change the name of your bank from one to another or you're going to do something simple that doesn't require planning board notice. Opt in rather than opt out. Everything comes, except - and make a minor list.

Whitney Singleton: Then we're talking about 110-45, when is site plan approval required.

Stanley Bernstein: However, it's done legally. That is what saves us a lot of grief and a lot of problems for Austin to decide whether it does or it doesn't, and the problem with the gang of lawyers coming in and saying show me where, I'm showing you where. You come before the Planning Board unless you can show this, etc., coming in as a conceptual.

Ralph Vigliotti: We want the decision process here.

Doug Hertz: So you're suggesting all things are major, unless they fall within this category. Instead of defining what's major, you want to define what's minor.

Vice Chairman Sturniolo: To define what's minor is the simpler and cleaner way to go.

Whitney Singleton: "Site plan approval shall be required for all uses other than one and two family residences in the RS12, 9, 6, RT6 districts and budget accessory thereto.

Nanette Bourne: I think we could play with this Change of Use minor to incorporate what Stan is talking about.

Whitney Singleton: As I was discussing earlier, 110-38 does nothing but get it to your board. It does not equip you with any greater tools to evaluate and exercise discretionary authority. So, before you can re-occupy this building it has to go before the Planning Board as opposed to Austin. Mr. Bernstein, tell me where in the code it says that I can't put this use or that I don't have enough argument?

Stanley Bernstein: You write it in the code.

Whitney Singleton: I can't re-write the code every time an applicant comes in.

Stanley Bernstein: No, just by defining what does not have to come before the Planning Board.

Whitney Singleton: But not for change of use for site plan.

Stanley Bernstein: Why not for change of use as well?

Whitney Singleton: Because change of use in our code is designed to evaluate the sufficiency of on-site parking.

Stanley Bernstein: Just the parking, nothing else?

Whitney Singleton: That's all it is.

Vice Chairman Sturniolo: So does that need to get changed?

Whitney Singleton: I'm suggesting, yes. While we're proposing to change that, we're not really equipping your board with any further discretionary authority, which is what you really want. You want people to come in and have to address the lighting, the landscaping, etc. Which means you not only have to change the site plan regulations, you're going to have to change all the regulations regarding pre-existing non-conforming uses.

Ralph Vigliotti: If that's what we have to do, then that's what we have to do. There are towns in Westchester and throughout the state that have language that we can use. I know you haven't had an opportunity to explore those, but we are not reinventing the wheel here. It's been invented. We are trying to tune it to match our needs.

Whitney Singleton: You do have some property rights that are associated with this. For example, restaurant A is going out, restaurant B is coming in, that does not give you free reign over their site plans.

Ralph Vigliotti: Restaurant A may have had 22 tables, and Restaurant B without saying anything to anyone, is putting in 42 tables and a bar that's 90 feet long.

Nanette Bourne: You can address that.

Ralph Vigliotti: But we wouldn't know that unless they came before us.

Nanette Bourne: It would come before you. They wouldn't get a building permit.

Whitney Singleton: That is why the fire inspectors go around to restaurants and sites.

Ralph Vigliotti: If there was a mechanism within our code, the Greek restaurant would have come before us and they would have known how many tables they could put in.

Whitney Singleton: They were told they could only have 67 tables and they in with 78.

Nanette Bourne: I think the point Whitney is trying to make is if Calico Corners had been a restaurant and they wanted to put in another restaurant, and they had the same number of tables but a substandard lot because they don't comply, you can't expect them to comply with everything. So, you can't say they have to bring everything up to code.

Chairman Cosentino: Wouldn't you want a new resolution on that?

Nanette Bourne: It would be unrealistic and impracticable.

Whitney Singleton: Coco Rumbas.

Nanette Bourne: To require that Coco Rumbas bring everything up to code because they couldn't get the parking, buffer and snow storage.

Whitney Singleton: They had a pre-existing non-compliance, and they were legally allowed to continue. They were not allowed to expand.

Ralph Vigliotti: But they did come before this Planning Board?

Whitney Singleton: For some other reason.

Nanette Bourne: That would be a disincentive for any change of use if everybody thought by changing a use they had to come to the Planning Board and you were going to make them upgrade to the new requirements. If they are going to come to the Planning Board there has to be some leniency, some understanding of the constraints of the site.

Whitney Singleton: There is something else that we don't do and other communities do. If there was ever something that you wanted to take on, I know that Stan, Tony, Joe and Ralph are more than willing to take on every application and every site in town, but there is something other communities have done which I think is not a bad idea, and that is whenever you have a pre-existing non-conforming and non-compliance, a use which is not permitted on a site that is changing, or you have, for example, Ellmans Tire. Let's just say that changing of tires wasn't allowed in that zone, but they've been there. If they were going to change their operation in any way as a non-conforming use, or if you had a situation like Coco Rumbas where you had a conforming use but a non-complying site, any application for any change in those goes to the ZBA. For example, there is a hardware store downstairs and a law office upstairs in a building. It was pre-existing, non-compliant. The hardware store wanted to go out and become a shutter and blind store. The law firm was going to stay upstairs. It had to go to the Zoning Board of Appeals because they were changing a use in a pre-existing non-conformity. The Zoning Board turned it down and said there would be increased traffic as a result of going from a hardware store to a shutter and blind store. They were upheld by the second department. You can have whatever you have pre-existing non-conformity, you can have that go to the board. For example, there are some uses in town across the street from T.J. Maxx was a furniture store and upstairs was residential apartments, which are not allowed in that district. Somehow, without coming to your board to the best of my knowledge, that is now a Pilates Studio. As far as I'm concerned, that was an increase in the degree of intensity. If you had a situation where no conforming uses and no non-conforming buildings to be switched out without the granting of a variance or granting of a review by the Zoning Board, that wouldn't happen. But that means every non-conforming and non-complying building or use in this town has to go to the Zoning Board. But you know what? We've had one application in the past five months. I don't think the Zoning Board is exactly overburdened. What ends up happening is we always talked about how buildings and sites and uses morph in Mount Kisco. This is your gatekeeper to prevent that from happening.

Doug Hertz: Sounds great.

Stanley Bernstein: In the Leonard Park area, that came before us, as it changed from a Chinese restaurant that had 99 seats, and how many people were there?

Whitney Singleton: You can't go to the user; you have to go to the use. It was a restaurant with 99 seats.

Stanley Bernstein: So when Que went in, look at the traffic they got.

Whitney Singleton: Que has 98 seats.

Stanley Bernstein: Yes, the seats were the same, but that could have been much worse. It worked out okay so far. It's not exactly a disaster now but it could have been, and that should have come before us. Why didn't that come before us?

Whitney Singleton: Because we evaluate uses. We don't evaluate users.

Stanley Bernstein: That is an extended use.

Nanette Bourne: You still can't evaluate users.

Whitney Singleton: And they have a significant portion of that building vacant. As far as I'm concerned, Austin did a good job on this. He identified for them very early on that yes, you're swapping restaurant for restaurant here, but be aware that the restaurant that was there didn't do a tremendous amount of business, and you're going to have an issue here. We had to let him go restaurant to restaurant for the same number of seats, and when the furniture and carpeting store went out, we regarded that as retail sale of bulk household items, it had a very low parking requirement, 1 for 400, and now it's a liquor store, which had a higher parking requirement but it has less space, and they are required to keep the remainder of the space dormant. I've heard grumbling that they are going to come into the ZBA for a variance, but that is a self-created hardship.

Stanley Bernstein: They still should have come before us, and by doing it and writing it in the manner that I mentioned, it would have, because that would not have been one of the items that prevent them from coming here. It was a change in restaurants, but a different intensity.

Whitney Singleton: But that is not what our code provides for.

Stanley Bernstein: It should.

Ralph Vigliotti: If that was a Beefsteak Charlie's or one of the down county restaurants, it still was a restaurant but we would have an understanding that volume of parking and turnover would be twice that of a Chinese restaurant. We would look at that much differently. If Appleby's wanted to go in there, that would trigger - all hell would break loose.

Whitney Singleton: I agree with you. That's why we're having this meeting tonight. But there is no mechanism in place.

Ralph Vigliotti: We're asking for a mechanism.

Whitney Singleton: Whenever you give me a scenario like that, point well taken. But then I have to turn around and say, avoid looking at the user. Identify the impacts that you want us to look at. I could turn around and say, some law firms do big business, others don't.

Doug Hertz: The other thing we are not taking into account is the self-selection. We are assuming we have to police everything, but any intelligent business - I'm not going to rent a site that doesn't have parking because I'm not going to be successful. I'm going to rent a site that has what I expect I'll need.

Ralph Vigliotti: With the changing economy, what you're seeing now is just the tip of the iceberg. When the economy changes they'll be parking at Leonard Park and walking over the bridge.

Whitney Singleton: I don't disagree with you, but you can look at one restaurant in the community that has gone through that cycle all by itself. You remember, I don't, when Boston Chicken first went in, it was mayhem. Now it's no longer popular and it doesn't have the traffic that it used to have. I think what you have identified is what is likely to generate additional traffic, but it's more than just what would substantially increase the intensity of the use.

Nanette Bourne: It's not just making the parking work, but you want to have improvements to the site.

Ralph Vigliotti: The whole site has to work, and some sites are worse than others.

Whitney Singleton: I will give you an example about Que that will work here. That site, collectively, does not satisfy the parking requirements as it presently exists in the code. They are one of those pre-existing, non-conforming sites. That could be one that goes to the Zoning Board. Anything that does not meet today's requirements would get referred out. I think you will have to be much more communicative with the Zoning Board, and I am sure they would solicit your input on applications. One thing that Tony, Joe and I talked about the other day is there was an ad in this week's Pennysaver advertising commercial space in a residential neighborhood. 1,500 square foot building with new kitchen, new bathroom, heated, etc., will consider multiple tenancies, re-

demising the space. Now, based upon the description of the site we think that is, what you had was someone living in the house in the front and operating his business out of the back building. It was his accessory building, his accessory business. Now that he's passed on, the family is now marketing it as a business location, or multiple business locations in a residential area. You know what they are going to say when there is an electrician shop there and an auto parts store. They are going to say pre-existing, non-conforming. There is a big difference between pre-existing, non-conforming accessory use of the owner who lives on the site and renting it out to multiple commercial tenants. So, that concept of pre-existing, non-conforming has been very much bastardized in this village.

Doug Hertz: I would like to bring up an item that is not on the list, but we have brought it up before. We have no guidelines for large commercial buildings and what we can get them to do. We have talked about the village saying perhaps commercial buildings over 5,000 square feet shall be LEED certified or LEED silver. I think we have an opportunity, to ask for a set of guidelines as to what we can require a commercial building to do, whether it is reduction of carbon footprint, which I don't really buy into. Some energy reducing strategies, LEED; right now there are no guidelines, and I would like to be shown another guideline that we want to jump on, or do we want to do this ad hoc?

Nanette Bourne: Isn't Jim Gmelin putting something together?

Stanley Bernstein: Yes. They have commercial and residential. They are going to do recommendations for commercial first.

Doug Hertz: Is that something that we want to hang our hat on?

Stanley Bernstein: We should look at it and decide whether we endorse it or don't endorse it.

Doug Hertz: At any rate, whether it's the CAC's document or another set of guidelines, I think it would be beneficial to have some policy that we can hold a large commercial building to, to get better buildings. Those buildings have big impacts on the village.

Vice Chairman Sturniolo: Village wide, keep in mind that the roof on top of the new proposed Emergency Room (at Northern Westchester Hospital Center) is a green roof.

Nanette Bourne: So you're talking about new construction and adaptive re-use?

Doug Hertz: Yes. Any structure about a certain size that should absorb that kind of cost.

Nanette Bourne: As I've said before, subsequent to the adoption of their global task force, the County is now in their implementation phase. They have a group that is being led by Reese Berman to develop model ordinances, exactly what you're talking about that will help. How quickly they get this done is questionable. Other communities have hired sustainability forces.

Doug Hertz: If someone else is drafting it, great, but I think it's something we need.

Nanette Bourne: There is a public hearing already scheduled for June 29. Do we want to send the Village Board a revised law based on what the Planning Board has talked about tonight or wait until the public hearing and then make the modifications?

Chairman Cosentino: You may get input from the public hearing.

Nanette Bourne: So then we'll do a clean up that incorporates what the public says.

Ralph Vigliotti: I think the village board wants to know that we met, talked about it and made some additions to it.

Doug Hertz: We could present that as well at the public hearing.

Whitney Singleton: Yes. I've already told them there will be a series of changes coming to them over the coming months, but we didn't want to wait. Nanette and I will come up with some recommendations and propose some changes on this.

Ralph Vigliotti: How did the public hearing notice go out to residents and to whom?

Nanette Bourne: I think it's on the website. The public notice is in the paper.

As there was no further business, on a motion by Vice Chairman Sturniolo, seconded by Stanley Bernstein, the meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm