

Minutes
Meeting of the Planning Board
Regular Work Session
Village/Town of Mount Kisco
Tuesday, June 9, 2009

Meeting called to order at 7:40 P.M. at the Municipal Building, Mount Kisco, New York.

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

Members Absent: **Sol Gibbons**
 Joseph Morreale

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

Minutes: **May 12, 2009**

Motion: **Stanley Bernstein**
Second: **Vice Chairman Sturniolo**
Aye: **Ralph Vigliotti**
Aye: **Stanley Bernstein**
Aye: **Vice Chairman Sturniolo**
Aye: **Chairman Cosentino**
Abstain: **Doug Hertz**

Continuing Review:

127 Barker Street
Filippo Simone
PB2006-05

Present: Daniel Simone, P.E., Simone Design Group, Engineer for the Applicant

Daniel Simone: The plans were revised according to our last meeting with the board where we had discussed some alternate driveway configurations. The main consensus of the meeting was to provide a separate ingress and egress to the driveway in order to facilitate better site distance and to avoid queuing or conflicting traffic patterns on Barker Street. The plans were revised to show that. The responses were made to the DEP. I did get another comment letter back from Andrea Ocineau. She is waiting on a Determination of Non-Significance before we can move forward with the DEP.

Nanette Bourne: This site has a long history. I do not think the history is as important as the final decision that was made by the Planning Board prior to this coming before you in this Site Plan Application. We have a copy of the resolution from 2002. This resolution was for a subdivision. This is the subdivision that was approved by the board, and as part of this subdivision, there was extensive discussion having to do with access, ingress/egress, and neighbors had issues. The Planning Board spent a lot of time on this, and the conclusion that was drawn and the basis of your subdivision approval was to locate a driveway in this location on the western part of the site. It is a little bit unusual, as part of the subdivision application that a driveway be located, but because that was the crux and the heart of the issues and the contentiousness of this, in this particular case there was a traffic study and a lot of discussion. In the resolution, it specifically sites this drawing as what was approved and it was signed by the Planning Board chair. This is the document that is officially on record by the Planning Board. What was filed with the county is this subdivision without the driveway. The status - which one prevails, I do not know. I do know that the Planning Board's heart and soul was involved with this. When this application came back for site plan approval, the applicant has gone to great lengths to try to respond to what was originally approved to Planning Board comments. He has tried a number of different things to address your comments. Most recently, at the January meeting, you asked him to look at two alternatives. There was a discussion at the January meeting where you looked at the two alternatives. You have the minutes. I would not call it a consensus. I happened to be there and I was part of that. There were a lot of cautionary statements made about

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comments that were made by Planning Board members who preferred one alternative over the other. I know, in fact, that the discussion did not conclude with the Planning Board saying collectively and unanimously that this is what we want. If you look at the minutes, it's a bit gray. So, what you're left with is to really come down to what it is in the site plan that you want. It has to do with the single point of access, which as originally designed had problems with cars getting in and getting out; or this double driveway. From a planning perspective, your goal should be to minimize the number of curb cuts. That is a good planning standard. If you are going to have circulation around the building, having a double driveway is a good thing. If there is some compelling reason why a double driveway is necessary for access or some kind of urban design, there is nothing wrong with it - it's just not where you would start from your preferred point of view. As you all remember, the real sensitivity concerning this driveway had to do with traffic coming down, with the site distance. There have been some changes in traffic circumstances on Barker where site distance may not be as problematic as it was in 2002, but it has not been eliminated.

Vice Chairman Sturniolo: What are the circumstances identified as not as crucial now as in 2002?

Nanette Bourne: There was a second stop sign put in.

Chairman Cosentino: In saying this and in all fairness, Dan and some of the board members who were not on the board at the time are thinking of why we are bringing this up now and not before.

Daniel Simone: The board has to reach a consensus and an agreement on what you feel is best for the project. Can it work with one driveway? Yes. We could squeeze this out a little wider; we can squeeze the throat out a little wider. One issue that one of the board member's, Dr. Morreale, brought up the question of if you have a car coming in and a car waiting to get out, then that car is going to be stopped on Barker Street, or you might not be able to get two cars in the driveway at one time. There could be some traffic pauses.

Chairman Cosentino: I signed the resolution as Chairman with the one driveway and the plot plan. There was some controversy with the neighbors. I owe it to the neighbors as the Chairman of the Board to have another public hearing if, in fact, the driveway has changed. They came here in droves, and I feel I owe them the respect they showed when they came for your father and your uncle as well as yourself. If, in fact the driveway has changed, I need to have a public hearing so they can voice their opinion on it again.

Daniel Simone: We do not need to change the driveway. It is strictly up to this board. It will function both ways.

Anthony Oliveri: I am noticing this is a 52-foot curb cut shown on the approved plan. I do not know if you were that wide with your curb cut with your original single driveway scenario. It might help with some of the turning lanes.

Daniel Simone: Possibly not. This radius was more so the critical one. But, the question came up that unless we have a wide enough throat, this car may have to wait for a car to get out of the driveway in order to do that. I understand the concern. It is not a long driveway; it is 30 feet. There might be a slight pause for a car to make this turn while that car gets out. I do not see it as a huge issue. My preference would be to, if the board is concerned about the double driveway, go back to the single driveway configuration, and we would open this up, again to provide the radius to allow these vehicles to turn in.

Doug Hertz: I was not on the board when this subdivision was approved with that additional driveway, so I am not privy to those discussions and I did not hear the public input at that time. I can only see the document, what was approved and what is being proposed now. Having sat through this, I know the reiterations that we are going through. I hear Nanette when it comes to a starting place for a good plan being minimizing the curb cuts. I like this plan that is being proposed because it preserves some green space in front of the building. It sets the building back an appropriate distance and allows parking in the rear to function properly, which is what we tried to do if you look at the original plan. It had parking in the front, which I think is unattractive, and not something we want to encourage. Also, by minimizing the size of the curb cut on the western portion of the property closes down the view of a commercial building. You do not have this 52-foot large gap here. You have these two smaller spaces. While there is no full circulation, we are basically providing one way in and one way out. This

is a transition between commercial and residential zone. You have an old residential building across the way that is now a commercial building and the next buildings up are residential. A 52-foot wide curb cut here it going to feel much more commercial. These feel more like driveways that to me are more in scale with the transitional nature of this. They are not stacked so close that they are objectionable. I think they serve a good purpose. Dan's design has allowed us to preserve more green space in front, an intelligent traffic pattern and get the building set in a nice way. I totally understand where Nanette is coming from, as the board went thorough all these public hearings and got lots of public feedback and made a decision that made sense there. I think, relative to the way things have changed, I would tend to favor this. I hear you in opening it back up to public input.

Chairman Cosentino: I agree with the two driveways in and out. I think the turn in the back right of the building makes it easier to turn around. I like it. The neighbors may even like this better because the 52-foot driveway does make it look commercial. I want to protect the residential area that is already there by making it look like a driveway instead of a highway.

Daniel Simone: The concern with the driveway located on the upper portion of the site is predominantly exiting traffic, because there is no site distance for exiting vehicles. That has not changed with this new alternative. The board's decision on the single exit driveway in this location still maintains that integrity of the original approval. It provides for an easier "in" from Barker Street, which will relieve some queuing. I am not opposed if the board wants to put it to a public hearing. We are beyond the construction season at this point anyway, so if the board does want to bring this back and have it heard so the board is comfortable with it, I am not opposed. The wide throats on the driveways are also issues for pedestrians. Crossing gets more difficult. You have to negotiate getting across a 50-foot wide driveway as opposed to a narrower curb cut. I do not think it was quite the 52.

Ralph Vigliotti: I have been a proponent of the two driveways since we had both options.

Vice Chairman Sturniolo: Whitney, do you have any comments?

Whitney Singleton: I think if this is the avenue you are going with, you are going to be posed with the same questions from the public and from me that you were posed with in 2001. And that is, how is this going to be substantially different from what was previously proposed at the turn of the century? The two driveways were proposed, and your board dealt with concern by the neighbors as to traffic safety by having an ingress/egress point on the curb. Now, if I was to follow the logic that was in the minutes, and I did not represent your board at the time, traffic has only increased over time. Why does it make it any safer today to put it at a point where you previously determined it to be unsafe?

Doug Hertz: We are proposing only ingress there, not egress, from both directions. Egress was the critical factor at the curb point, which is problematic, not ingress.

Whitney Singleton: The representations that were given to the neighbors back in 2002 were that the sole point of ingress/egress on the property would be pushed as far west as possible. Now you are proposing the ingress point being as far east as possible. I think that is going to be something that needs to be reconciled with the public.

Chairman Cosentino: That is the reason for a public hearing. The voices are a vote. If it is the pleasure of the board that they want two driveways and things have changed, then it could have been that now the residents feel they do not want a 50-foot driveway to look at. That is what we have to demonstrate to them. We will consider what they have to say. This makes a big difference on the aesthetics.

Whitney Singleton: As the board knows, I have gone back and looked at the minutes and the resolutions, and I was involved in the litigation when this property was originally conditionally approved, challenged and denied again in a subsequent application, and denied again in 2002. The focal point has always been the ingress/egress, and if your board wants to go back and re-visit that issue, you are certainly welcomed. I would do this in a fashion that is most protective of your board, but I believe it became to opening up Pandora's Box. If that is the way your board wants to go, I will counsel it in a fashion to accomplish that, but this is something that was represented to the neighborhood would not happen, based upon what I have seen in the minutes. I would like to have the opportunity to go back. It is very hard to follow these minutes, because it refers to,

"this was moved from here to here," and there is no reference point for me. I would like to go back and look at all the submissions.

Doug Hertz: Rather than hold a public hearing, and I don't know what the legal ramifications are, if it is the applicant's desire to work on this plan, and if it's a consensus of the board that we think this is a good plan, can we invite discussion and input from the public?

Chairman Cosentino: I think once you change the subdivision, you need a public hearing.

Whitney Singleton: If you change components of the subdivision. Technically, I do not know that you are. I do not know how to massage the terminology here. I think to move forward with this without having a public hearing would be against my advice.

Ralph Vigliotti: So we need a public hearing. What you are saying is, we, as a board, if the consensus is that we would like to see two driveways then we need to have a public hearing. If that is the case, I am still interested in moving forward with the two driveways and inviting the public for a public hearing.

Daniel Simone: There is also another option. It's neither here nor there, and I don't know how you restrict this in practice, but we can sign this for no right turns in to a single driveway on the lower hand portion and reduce the throat way so that only left-hand turns in on Barker Street west would be permitted into the driveway. That would eliminate the issue with the wide throat in that respect. We can sign it at the entrance - no right turns in.

Doug Hertz: How would you get in?

Daniel Simone: You have to come from North Bedford Road. 90 percent of the people are going to come from North Bedford Road anyway, are going to be regular users of the building and will ultimately know it. As you did with this driveway on the outside here, you restricted by the driveway configuration, and the angle discourages any left into the office building. You can do a similar scenario here, and we can choke down the throat width so you would not have the 52-foot pavement, and you may not open up Pandora's Box with the neighbors under that respect.

Doug Hertz: To a certain extent, it is your application.

Daniel Simone: I am trying to avoid any contention that may come to this board by opening up another public hearing.

Anthony Oliveri: The two-driveway configuration should be explored and showed at the public hearing. Also, the two site distances based on this plan.

Doug Hertz: I still think this is a slightly better plan.

Stanley Bernstein: I like the idea of not allowing a right-hand turn coming down Barker, but you say most traffic will be coming from North Bedford Road. Unless they know to make a turn on Valley View, and go around to North Bedford Rd. from the other side, there might be a problem with U-turns in the upper Barker St. area. I do like the two-driveway situation that you have here. I do believe the neighbors should get a second crack at this, if not a formal public hearing, an input hearing. As Whitney says, the minutes show that we agree on one thing, but circumstances change. It was seven years ago. It should be put to the public. Can you tell me the elevation of the center of Barker Street?

Daniel Simone: Roughly about 306.

Stanley Bernstein: So going into the west driveway from Barker at 306 you will be just about level?

Daniel Simone: Yes.

Stanley Bernstein: The fact that it is flat makes it a little better. Site lines are of more concern on the east, and ingress/egress is of more concern down here. I do not think you can limit this to a right in and a right out. It's going to be a little bit of a snarl, but banking on the fact that there will be not many vehicular trips during the day based on the size of this, unless it's a very active type of building, I don't think there would be too much of a problem.

Ralph Vigliotti: The two driveways are showing an exiting driveway of 12 feet in width. On the original proposal of one large driveway, there is almost no frontage of green space. This allows a lot more green space, gives it more of a residential look as the transition is done to the neighborhood.

Daniel Simone: We had it maintained at 12 feet also, but the building was larger.

Ralph Vigliotti: Yes, but originally there was parking in the front.

Daniel Simone: Yes, but we do not have that anymore.

Chairman Cosentino: Is there anyway you can bring some renderings of what the building would look like with the shrubs and landscaping? For the public hearing, I would like them to look at what could be and what was. 50-foot drive against the smaller drive, shrubberies against no shrubberies, landscaping against no landscaping. This will give them an idea of what they are going to get.

Ralph Vigliotti: The two-driveway rendition is showing a wider frontage of landscape than this one, without any question.

Daniel Simone: We reduced the footprint of the building under this scenario to maximize the buffer in the front area. One benefit, if the board was inclined to look at the restricted driveway access at this location, you also get that back as green space, which is another bonus. I agree with Mr. Bernstein's concern. You are always going to get one person that is not going to know the traffic patterns and will try to make a right-hand turn in. But being a small office building, it will be predominantly the people working in the office building that come there on a day-to-day basis, and once they learn the traffic patterns, it will become a non-issue.

Chairman Cosentino: I think once they see the building, the driveways and the landscaping, they are going to think differently than what they did in 2002. If they do not they have their vote.

Whitney Singleton: This will require a submission of an application for a subdivision amendment. The minutes read, "Mr. Griffin made a motion to approve a subdivision for Filippo Simone at 120 North Bedford Road based upon the drawings dated October 1, 2001 showing curb cuts." What the board voted on and what you signed are two different completely different things. What was represented at the public hearing showed a curb cut on the western end of the property. If you want to change that condition, it needs to be done in the form of an amended subdivision.

Anthony Oliveri: What was signed shows the curb cut.

Whitney Singleton: But that is not what was filed.

Daniel Simone: Does it require re-filing of the plat?

Whitney Singleton: Yes.

Chairman Cosentino: Is that a problem?

Daniel Simone: I do not know. We did not show a curb cut on the plat, so now we are going to add a curb cut to a filed plat.

Whitney Singleton: I was not involved with this when it was originally done. There were representations as to what they voted on. As to what was voted on and what the Chairman and Building Inspector were authorized to affix their signature to, I do not believe that was necessarily what was filed in the Westchester County Clerk's office. It's a mess.

Nanette Bourne: What you approved and what was filed is not consistent.

Whitney Singleton: If your board feels this is a better layout of the property, and your board feels there will be better public support for this application, that is fine, but I am simply advising you that it will be more than just a site plan. It will be an amendment to the subdivision.

Chairman Cosentino: That is just paperwork.

Daniel Simone: It is all sorts of good stuff. The Board of Health.

Anthony Oliveri: What is filed with the county is signed by everyone, including Joe, without the curb cut.

Chairman Cosentino: We were given that by the village attorney and we had authorization to sign it, and that is what we did.

Daniel Simone: Typically, you do not show curb cuts on subdivision maps anyway. They are shown on the approved site plan.

Doug Hertz: Not unless they are existing.

Daniel Simone: Yes. It will probably be another five months on the process. The Health Department will take a fresh look at it.

Chairman Cosentino: There was no fault here. It is just the way it was done. It is something you have to correct.

Daniel Simone: I would be more inclined to go with the single driveway and restrict the access if the board would see fit to do that. It will open up additional green space and avoid public dissention. I think it will work equally as well. You will get a bigger buffer area.

Chairman Cosentino: As much as I want to help you out, I do not think the board is going back.

Doug Hertz: We have no discretion to do an expedited review, is that correct Whitney?

Whitney Singleton: You have the ability to waive a preliminary plat process. Many times, it is done in a two-step phase.

Chairman Cosentino: I would be willing to do that if that helps you.

Daniel Simone: Yes, it is not the village's time line I am concerned about. The Health Department is going to take us much longer. If this is the way the board is inclined, I will bring it to my uncle and let him know. Prior to initiating a subdivision application, can we bring it to public hearing in case the public absolutely despises this, and then we have to fall back on the one driveway scenario rather than start the subdivision process?

Whitney Singleton: If you move forward with the subdivision application, the Planning Board cannot schedule a public hearing until they deem the application complete. If, as you go through that process it becomes evident to you or to the board, whether it's due to public outcry or your personal reasons that you wish to abandon that application, you're perfectly entitled to do so. I really believe based upon reading every set of minutes that existed since September 2000, there was a clear representation to the neighborhood as to what was going to transpire on the site, and whether the modification is for better or for worse, I think it would be a real bad situation for the next thing that the public sees is construction going on at the site with a driveway going in as close to the eastern end of the property as possible. I cannot in good conscious recommend that.

Daniel Simone: So the application is submitted and then comes in front of the board to schedule a public hearing at that point? It's basically a two step process to get to the public hearing right now?

Whitney Singleton: Presumably, you are not changing any lot lines.

Daniel Simone: No.

Whitney Singleton: We need to confirm the zoning compliance. Come to the board, and schedule a public hearing.

Chairman Cosentino: I will expedite it as much as I can.

Daniel Simone: Thank you very much.

Correspondence:

- Letter from Steven Schindler to Chairman Cosentino and Planning Board members dated May 6, 2009 re Morgan Enterprises.

Whitney Singleton: This correspondence that you received from Mr. Schindler is going to be on your next agenda. There are going to be attorneys and engineers descending upon this board from Albany, Valhalla and New York City to re-examine the required remediation for the Morgan Enterprises site. There may be some related discussion as to the Crème site. As you are all aware, there is a lot of discussion going on, potential litigation going on regarding environmental contamination between the City of New York, the prospective property owners and the village. There has been a lot of examination of the site by various engineering consultants. They originally wanted to give you some feedback, which is in your package tonight, but they have subsequently determined that they would like to come discuss this with you to re-examine the degree of remediation necessary for the site and ways to address it. We have already confirmed that Becky from AKRF will be available and present to advise your board on that evening. I do not know how you want to be ramped up on what was previously required by your board. These analyses go back a period of years. There were many very thick documents, which were submitted to your board over time, with an insitu encapsulation of the mercury on the site.

Stanley Bernstein: DEP seems to favor their proposal rather than ours.

Whitney Singleton: Considering DEP will be paying for it maybe that is why.

Stanley Bernstein: Why is DEP paying for it?

Whitney Singleton: There are issues as to who is responsible for the contamination of the site.

Chairman Cosentino: There is a possibility this may go into litigation?

Whitney Singleton: There is a likelihood it is going into litigation. Your board undertook a very comprehensive, restrictive approach relative to this, in part due to the fact that you were concerned about potential contamination to the New York City water supply. New York City is now paying the bill, and they feel they are adequately protected to a lesser degree of remediation.

Chairman Cosentino: The village is indemnified?

Whitney Singleton: We would be the defendant in the litigation, but we are fully indemnified. The reason I bring this up now is to give some consideration as to how the five of you as well as the two people that are not here going to get up to speed as to what happened in the past with Crème.

Stanley Bernstein: I've saved almost all the papers if you want me to bring them in.

Whitney Singleton: I cannot take credit for this because it happened a long time ago, but the village was very well protected in its negotiations with DEC and the County of Westchester. The focal point will be Buckingham. On behalf of Buckingham will be Dean Summer of Albany, New York; an environmental law firm. They are representing Petty and Cohen. Obviously, Amanda Goad from New York City Corporation Counsel's office will be representing New York City DEP. There will be engineers on behalf of the applicant, and engineers on behalf of DEP. David Steinmetz will be representing Ed Cohen. He is no longer representing Crème. Crème is now represented by Doug McClure out of Ann Arbor, Michigan. He will not be present.

Chairman Cosentino: Do you think we should set up a special meeting for this?

Whitney Singleton: I have already told them it will be on the 23rd.

Chairman Cosentino: I want to dedicate that night only to this. We need to concentrate on what they are saying and I do not want any more applicants for that night.

Vice Chairman Sturniolo: I think it will help us if we had in front of us a list of the names of the people and whom they represent, and some kind of a synopsis of a time line as to where we started and where we are today. I know our expectations were to do a remedial program that was far in excess what DEP recommended in their current letter because of our concern about the day care center. Now, if the day care center is not going to be there, how do we protect ourselves from another use going there that may have similar child quality of life issues.

Whitney Singleton: That is exactly what the purpose of the discussion is, to examine those kinds of issues.

Nanette Bourne: We have all been in and out of this, and I think your suggestion for a time line is a good one.

Whitney Singleton: My understanding is that there will be a pursuit of a commercial use on the former Crème site, but not a day care center.

- Letter from Andrea Ocineau, NYDEP, to Jeffrey Contelmo, P.E., Insite Engineering dated May 11, 2009 re 211 Kisco Avenue SPPP.
- Letter from Andrea Ocineau, NYDEP, to Jeffrey Contelmo dated May 21, 2009 re 211 Kisco Avenue New Croton Reservoir Drainage Basin.
- Letter from Terence Donoghue, New York State Department of Transportation to Planning Board Secretary dated May 27, 2009 Re: SEQRA 07-009, Westchester Residence and Club.

At this time, it was noted that the board secretary, Nancy Placona, needs to bring to the attention of Mr. Donoghue the error that was made in the 5/27/09 letter stating the Town of Wawarsing to serve as Lead Agency for the SEQRA review of this project.

Nanette Bourne: On the Peter Smith letter regarding the DEP.

Stanley Bernstein: This was an open and shut case. What are they doing?

Nanette Bourne: The DEP is kind of throwing the book at him.

Stanley Bernstein: Why?

Nanette Bourne: Because they want to. I was not meaning to be flip, but I spoke with their engineer today, and he is in the process of revising some plans. The plans are going to have additional landscaping. I told him that probably would not be a problem unless he changed the landscaping concept, if what he is doing is better and more enhanced landscaping per DEP, he probably would have to come through the board. He was going to try to get me the plans today. Scott Blakely is going to revise the landscape plan. They wanted some additional slope protection for the slope that goes down in back of the site. We will have to see it, but I would be surprised if you had a problem with that.

Doug Hertz: I am curious. It is listed as Diamond Properties now. Why is that?

Vice Chairman Sturniolo: They sold it.

Doug Hertz: Who sold it?

Vice Chairman Sturniolo: Diamond.

Whitney Singleton: Diamond purchased it. The person that was before you, I believe was the contract vendee of Diamond.

Nanette Bourne: The take home message here is that we can't assume that everything going to DEP is going to be a slam dunk. They are somewhat selective in how they review, but they tend to be reviewing with a more stringent eye these days.

- Minutes of the Beautification Committee
- Letter with attachment from Chris Shopinski, Director of Facilities of Northern Westchester Hospital Center to Nanette Bourne, Village Planner, AKRF, dated June 2, 2009 re minor adjustment - landscape plan.

Chairman Cosentino: There was a meeting today with Vice Chairman Sturniolo and Anthony Oliveri. The adjustment on the landscape was that they hit a water pipe so they had to move the shrubs back a few feet, which was okay, and it still looks good.

Vice Chairman Sturniolo: Represented of the village was the police, fire, ambulance, village engineer, Building Inspector, the design team from the hospital, Turner Construction and myself. They did a very intelligent and brief slide show talking about the various phases. They are looking to hopefully get a building permit from the Building Inspector by the end of this month so they could start construction of the temporary ambulance location and the Emergency Room walk in. They hope to get that

accomplished by mid-August. When you take that data and reference it back to site plan approval, as far as commencing construction within six months based on the date of our approval, February 19. They went into talk about the second phase, which should start in mid-August and go through January 10. The third phase is going to begin on January 10. They hope to open up the new Emergency Room by the summer 2010. It was a constructive meeting.

Whitney Singleton: I will point out that the restrictive covenant they were required to comply with prior to doing any work is wholly inadequate. We still have outstanding issues with regard to their requirement to provide us with a parking plan for the St. Luke's plaza building and adjoining building and what the future uses of those sites will be.

Vice Chairman Sturniolo: That was not addressed.

Anthony Oliveri: Austin and I met with them and spoke of those issues at the pre-meeting to that meeting.

Whitney Singleton: I was not aware of any of these meetings. To be clear, there are certain things they are required to do before getting a building permit that they have not.

Chairman Cosentino: Did you discuss this with Austin?

Whitney Singleton: No. I was not aware they were moving forward with construction.

Anthony Oliveri: It is in the resolution and supposedly, they know about it, and they said they were going to work with you. We told them they could not do anything until they clear that with you.

Chairman Cosentino: I do not know whether Austin is going back to the resolution, so there should be a paper trail.

Nanette Bourne: Speaking to the chair, and I've said this ad nauseum and mentioned this to Austin at this meeting and every meeting having to do with the hospital, the resolution should be there to look at. The resolution should always be there to refer to.

Anthony Oliveri: I had it, but I was not running the meeting. There is another pre-construction meeting before anything happens. This was not really a pre-construction meeting.

- Petition received June 2, 2009 re Mount Kisco Diner.

As there was no further business, on a motion by Mr. Bernstein, seconded by Mr. Vigliotti, the meeting was closed at 9:05 P.M.

Respectfully submitted,

Stanley Bernstein
Recording Secretary

dm

