

Minutes  
Regular Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, September 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 Sturniolo**  
   **Joseph Morreale**  
   **Stanley Bernstein**  
   **Sol Gibbons**  
   **Ralph Vigliotti**

**Members Absent:**            **Doug Hertz**

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

**FINAL ACTION**

**Tony Singh**  
**540 Main Street**  
**PB2009-10**

Present:            Tony Singh, Applicant  
                                 Inder Singh, Applicant

Chairman Cosentino: Gentlemen, we have a draft resolution here for a drop off cleaners, which will replace the A T & T telephone service because of their store opening up. This will be less intense than the phone service store. You are not to do any cleaning on the premises. A car drops off and picks up the dry cleaning. We should remove the words "as built" from the resolution before us, which is #2 on the second page. There is no change in it.

Vice Chairman Sturniolo: We're talking about dry cleaning. Are you planning to do any laundry services on site?

Tony Singh: No.

Vice Chairman Sturniolo: Will people drop off laundry as well as dry cleaning?

Tony Singh: No.

Vice Chairman Sturniolo: Just dry cleaning?

Tony Singh: Yes.

Vice Chairman Sturniolo: Just dry cleaning. Thank you.

**Motion to Approve the Resolution for the Change of Use at 540 Main Street to a Drop Off Dry Cleaners, PB2009-10 on September 10, 2009 with the Stipulation of the Resolution.**

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

Whitney Singleton: I presume that the plan that you have was a duplicate and you have resubmitted a complete original?

Tony Singh: Yes.

Whitney Singleton: I would suggest, because of the scarcity of records in the file that you stamp the approved plan of record.

Chairman Cosentino: A stamped set of plans must be part of the approved resolution.

Tony Singh: Yes. Thank you.

### **Special Discussion**

**Mount Kisco Coach Diner  
252 Main Street  
PB2008-10**

**Present: Frank Georgiou, Owner, Mount Kisco Coach Diner  
Lucille Munz, Munz Associates, Architects  
Anthony Monteleone, Monteleone & Monteleone  
Attorneys**

Chairman Cosentino: Before I start this, I have known you for 40 years. You have been a good friend and I have always respected you. I take umbrage to the letter you sent to the Village Board. It was inaccurate. You did not get your facts straight in everything you said in that letter.

Anthony Monteleone: If I got my facts wrong, I apologize. I based it on facts that I believe were correct, and I based it on conclusions that I drew based on the letter that was submitted to the Village Board and my response to it.

Chairman Cosentino: But you did not have the decency even to cc this board.

Anthony Monteleone: I knew you were going to get it. It was not a question of that.

Chairman Cosentino: I would have been nice if I would have seen "cc: Planning Board."

Anthony Monteleone: That was not meant as a discourtesy. That was done because I knew you were going to get it.

Chairman Cosentino: I felt I had to tell you that, because I have members here that I feel were hurt because of that letter. I think your character is a lot better.

Anthony Monteleone: It is, Joe, and there was no inference made to you or other members of the board. I felt that something had to be done. I think the air had to be cleared, and that is why we are here tonight.

Chairman Cosentino: I do not think the letter cleared the air.

Anthony Monteleone: My point was the letter to the Village Board was not appropriate. So, it was a response to that. We both have our own points of view. I will respect yours, you respect mine. That is all I ask, and we proceed anew here. Because it is not about me and it is now about board members. It is about this application.

Vice Chairman Sturniolo: Mr. Chairman, I would like to echo your concerns as well. I found the letter written on behalf of Frank Georgiou to be very disparaging for the Planning Board. Points were taken out of context. There was a juxtaposition of phrases. It was extremely insulting, and I found it very, very unprofessional to have a letter like that written.

Anthony Monteleone: That I take issue with, unprofessional. It was not unprofessional, Mr. Sturniolo. It was address based upon the conclusion that the Planning Board made to the Village Board which I took issue with. I have a right to do that. Professionally, you have a right to disagree with me.

Vice Chairman Sturniolo: You were basing it on a newspaper article.

Anthony Monteleone: Not completely. You are taking that out of context.

Vice Chairman Sturniolo: No, I am not. I am reading the first paragraph of it.

Anthony Monteleone: And the first paragraph said, "I read," and the rest of it was addressed specifically to paragraphs in your letter of non-recommendation to the Village Board. I took them exactly based upon the verbiage in that letter.

Vice Chairman Sturniolo: My beliefs are still that it is a very unprofessional letter, and as we go through this process with Mr. Georgiou, I am putting aside that letter and look at the facts and issues straight on. I am not going to be swayed by that mistaken letter that has caused so much anguish to members of this Planning Board.

Anthony Monteleone: We are not going to take any position in regard to the letter the Planning Board sent to the village. So let us start anew and look for something that is going to be beneficial to the village and beneficial to the applicant and set-aside personalities and points of view.

Stanley Bernstein: I was very insulted by this letter. The very first sentence that said, "I read the article in the Examiner, rather than I read the minutes," or "I was here," or "I was party to what was said." "I read an article," which of course was so completely bollixed up like everything *The Examiner* does. I am surprised any attorney of any worth would accept an article that he read in the paper. I was highly insulted and also insulted over the fact that the illusion to some people having animosity to Mr. Georgiou. I, at the previous meeting, made it a point to say I like Mr. Georgiou very, very much. I am at his diner at least once a week, usually even more. We always speak. We have a very friendly relationship. I am terribly sorry that it came to pass, but we have to do our job. His job is feeding the public, and our job is planning. As we saw our lights, that is the way it came out. To say that some people on this board have animosity towards him is completely not true. I like Mr. Georgiou and his family very much, and he knows that. I have been at his diner so many times I cannot count.

Anthony Monteleone: There was a statement in the letter to the Village Board, which said that representatives of the applicant were not responsive to Planning Board member's issues.

Stanley Bernstein: That is true, but that was not Mr. Georgiou. That was someone representing him. The animosity was not to the applicant. There never was.

Anthony Monteleone: But there should not be any animosity toward any applicant or any representative of any applicant. We should be here on the merits, gentlemen.

Joseph Morreale: I would like to say a few things to Mr. Monteleone. I do not normally get upset with language, and I am drawing a very clear distinction between my feelings about both the project and Mr. Georgiou and this letter. It is the letter I am only going to address. I have decided, since you are going to deny everything we are saying, to read some of the lines that you said, because I was appalled. First of all, you call a lot of the things that we asserted purely speculative. That is a very nice dismissal without much backing up of your position in the letter, which I find amazing. You deny the fact that we were concerned about spot zoning. You said it is not spot zoning. Well, I suppose there is a whole discussion we can have about spot zoning, but we were concerned about it. You totally misinterpreted the word "menu" to make us look like fools because when we said extending the menu and the intensity of permitted uses, you took that to mean the menu of the diner. We did not mean it like that at all and if you read it, you would have seen that.

Anthony Monteleone: I knew that.

Joseph Morreale: Well, then why did you write, "they must be referring to the diner's menu?" I cannot believe you wrote that. That is a very disparaging remark. But then it goes on. It goes on to say, "the only bad precedent is that the Planning Board feels it can deny an applicant because certain members of the Planning Board did not like one of the diner's representatives." What kind of comment is that?

Anthony Monteleone: There was a basis for it in the report to the Village Board.

Joseph Morreale: There was no basis, because the line you quoted before did not say that at all. We do not do things on a personal basis. We try very hard to look at the village's needs and the best interest of the village, and you are claiming we are just prejudicial. I am shocked to read that, particularly since I have been on this board for ten years. Finally, you go on to tell us that virtually if you read this all the way through, we have compounded the problem. There are no facts to support the claims. This contention is really an unfounded remark attempting to broad brush the issue. That is not what we do at all. We do it with a lot of detail in these particular

meetings. The other thing that amazes me is "zoning changes and site plan applications should not be influenced by the sensitivities and preconceived priorities by certain board members." That is totally untrue.

Anthony Monteleone: I hope so but I do not think so.

Joseph Morreale: But you wrote it.

Anthony Monteleone: I do not think it is.

Joseph Morreale: If that is your position on the board, then I have to admit something to you. I find it amazing that a lawyer who is going to come before us is going to put a letter like this before us and just expect us to sit back and say, "fine, we'll let you have what you want." You have got to be kidding.

Anthony Monteleone: Now you are making a distinction between my disagreeing with your opinion as to not recommending this re-zoning and your animosity toward me, where you should have none toward the applicant.

Joseph Morreale: I do not. That is the interesting fact.

Anthony Monteleone: You may disagree with me, but I believe I have a right to make my points on behalf of the applicant and any disagreement you have with my letter should have no impact on your final decision.

Joseph Morreale: And it will not.

Anthony Monteleone: Thank you and I know it will not in your case.

Joseph Morreale: But, I am stunned a lawyer with your reputation would come in and slam the board that you are going to appear before. I just cannot get over that.

Anthony Monteleone: It was not done lightly, and it was not done because there was animosity toward the majority of these board members. But I do feel that that recommendation was inappropriate, and I do feel that certain board members led the charge on that, and that is the position that I still maintain. I am here to discuss the merits of the application. Disagree with me, say that you do not like my letter; fine. But I have a job to do for the client, and I also believe that the letter was necessary.

Joseph Morreale: So, if I understand your position, you stand by everything you wrote in this letter.

Anthony Monteleone: I believe that what I wrote in that letter is appropriate the way this application has been handled. Yes.

Joseph Morreale: So then, everything I said is true. Did you honestly think that we were prejudicial?

Anthony Monteleone: No. That is not what I said in the letter. I said "certain members." I was very specific.

Joseph Morreale: But you now just made that statement that those certain members swayed the board.

Anthony Monteleone: Possibly, because you are human beings.

Joseph Morreale: You are dead wrong.

Chairman Cosentino: As Chairman of this board, if there was any member of my board that was prejudicial to any individual, I would suspend them. There is not one member here that took that position. I say it again, I would suspend them and I have the power to do it. But it is not needed here. There is not one member of my board that would ever think of something like that.

Anthony Monteleone: Good. Thank you. We are back here with what I believe the Village Board referring back to you this application for reconsideration. The applicant originally filed a petition to rezone only the Paul's Power parcel, not the parcel to the corner. That was the original application, as I understand it. When the Village Board referred it to your board, I believe the Village Board asked your board to consider rezoning to the corner. That, I believe, was based upon certain discussions. I see

board members looking at you Whitney. Am I incorrect that it was an application for just a single parcel rezoning?

Whitney Singleton: Whenever there is a request for a referral there is also consideration of whether it should all the way to the street corner. There was an examination as to whether or not the rezoning of this parcel should go all the way to the street corner, but because the existing use on the street corner did not permit it in the CB2, that issue was discussed.

Chairman Cosentino: To get you up-to-date, if we re-zoned the funeral home and Paul's Power, we would put the funeral home in a non-conforming use.

Anthony Monteleone: I understand that, but I believe the applicant originally came in for the re-zoning of only the Paul's Power parcel.

Whitney Singleton: But the Village Board requested that the Planning Board consider going all the way to the corner.

Anthony Monteleone: So now, basically what I am here to say is we are now asking that only Paul's Power parcel be re-zoned. I would ask you to consider just that application. I do not know what the Village Board sent back to you. I did not see it.

Chairman Cosentino: I was asking if there was a possibility - and I use the word possibility very strongly - other than rezoning Paul's Power, was there any other mechanism we could use for the diner and the adjoining property without rezoning it. I do not know what happened after that.

Whitney Singleton: Not in its presently existing code.

Chairman Cosentino: I was going for that so nobody would get hurt. He would marry his property into the Paul's property, that would become one parcel without the rezoning. Because of the code we could not think of doing that. The Village Board rezones, so we are actually back to rezoning that parcel to accommodate the diner.

Anthony Monteleone: Is that what we are here for tonight? The rezoning of just that parcel?

Chairman Cosentino: I think there are other things we need to talk about, but yes.

Anthony Monteleone: In regard to rezoning of the parcel, I submit to you that the area surrounding the parcel - across the street and the diner itself - are CB2. The re-zoning of that parcel is totally consistent with the area. The rezoning of that parcel will not impose any significant burdens on either the adjoining property, the funeral home, or any other properties in the other zone, so the zoning is consistent with the Master Plan as originally indicated by both the applicant's planner and the village's planner.

Chairman Cosentino: But right now that is in the hands of the Village Board. We cannot rezone.

Anthony Monteleone: I understand that, but it is here for your recommendation back to them. How do we want to handle the discussion in regard to the recommendation back to them? Now they are asking you again to consider just the rezoning of the parcel.

Chairman Cosentino: I would like to go back to counsel. Is there any remedy?

Whitney Singleton: Perhaps I could backtrack a little as to how we got here. There was a recommendation by your board that caused a little bit of consternation with the applicant and they requested both you and the Village Board have a joint meeting and discuss various items, one of which was the rezoning. Your board was to re-evaluate to see if there was a means by which you could make a positive recommendation for the rezoning of this property. Your board indicated that it would take a fresh look at this, but the board has concerns about development coverage and building coverage and whether or not it is sufficient for the site and there is sufficient amount of parking. That is the genesis as to how we got here. The question that is really before your board is do you believe that the adjoining parcel next door can be rezoned to CB2 and merge or not merge with the existing parcel so it can be utilized to permit the expansion of the diner?

Chairman Cosentino: You are saying the only way it can happen is by re-zoning?

Whitney Singleton: Right. And I think what your board identified in the past - if I am not being too forward - was that it would be a function of how vague the addition was. There was a previous indication on behalf of the applicant that they were not willing to reduce the size of the building. I believe there was some discussion of that tonight.

Chairman Cosentino: Paul's Power is not a nice looking building and we would like to see it go. I think the village would like to see it go. During this whole process, we thought there could be that mechanism of not rezoning. You have to remember - you handle a lot of real estate - you may come to us again and say I want to have this piece of property re-zoned because I want to put a real estate office there. Then you will say, "well, you re-zoned the diner, why not re-zone this?" We did not really want to be put in that position, and we really wanted to go with a separate mechanism to do this. Unfortunately, our board found out that there was no other mechanism to do it, and the Village Board could not give us any other mechanism. Through counsel, we find out that it is not in the code for another mechanism. Now, we have to go back to rezoning that parcel and that is what we are here for now. Do we want the parcel rezoned since we cannot get the mechanism? Do we recommend back to the Village Board yes, we should re-zone that parcel? There are other things - the size of the building, a slight parking problem and a lighting problem. I think Mrs. Munz understood our problem. It is not that we did not want Mr. Georgiou to have his diner. We saw the photos of it, visualized it without Paul's Power and landscaping. We are planners and this is what we wanted.

Anthony Monteleone: In regard to spot zoning, although this is only one parcel, because of its proximity to other parcels in the zone, which are Zone CB, when you look at the entire picture, it is not spot zoning as the law interprets.

Chairman Cosentino: Let's drop the words "spot zoning."

Anthony Monteleone: Okay. In regard to the site plan and discussions on it - if we're going to talk about the site plan, is your board prepared to discuss the site plan, and then make a recommendation to the Village Board that we approve this site plan subject to the Village Board's rezoning, so we're done once and for all and we don't come back? Otherwise, we are going to come back again.

Whitney Singleton: You can't do that.

Anthony Monteleone: Then I think we should just discuss the merits of the re-zoning. And trust me, if you will, we will work with you in regard to your concerns. I've already sat down with Frank. We have very constructive things to discuss with you in regard to meeting your concerns. But now we're talking about the rezoning. We are not talking about the minutiae of site plan approval.

Chairman Cosentino: I am only one member of the board. I don't think I would have a problem with rezoning it. Without the re-zoning, he does not get any expansion. I don't want to put the man out of business. I leave this up to my fellow board members. I don't mean to put them in a position that I don't want them in, but I'm just one member.

Anthony Monteleone: I would be happy to answer any questions they have in regard to the rezoning.

Chairman Cosentino: I want to emphasize that there are other conditions that are going to be built into that. If you get the rezoning, that doesn't mean you are going to get the project. But before the Village Board even rezones it, I think we have to note what we want as far as parking and the size of the building, etc.

Whitney Singleton: What Mr. Monteleone was suggesting was that you approve the site plan subject to the rezoning.

Chairman Cosentino: I can't do that.

Anthony Monteleone: Then we only have the issue of the rezoning before you now.

Whitney Singleton: As part of that rezoning, your board is required to look at - for the health, safety and welfare of the community - existing traffic patterns, available

municipal parking, permitted uses within the zone, development coverage, and what the impacts would be associated.

Chairman Cosentino: That is part of that. I need to add something to this. I repeat, the Village Board is the only ones that can rezone. They need to know, before they rezone - and Whitney I have to address this to you - that all other demands are met. I don't want them to rezone the property if the other issues are not answered. I do not want the property rezoned and the Planning Board does not get their issues rectified. I repeat - I want Frank and his family to do well in his business - I have no problems with the rezoning as long as the Village Board doesn't - but we as planners want to make sure our issues are being satisfied.

Lucille Munz: I think you're right, Mr. Cosentino. I think collectively, the onus is going to be on us to work with you to provide a plan that you all are happy with.

Chairman Cosentino: I wish that was said before.

Lucille Munz: In all fairness, I think we tried to do that. But that was in the past and we're moving forward. Obviously, it is the first step and I think the board is all in agreement that this is in the best interest of the village to rezone this one parcel. From there we take those requirements that we have to meet and tweak that building, look at other ways of doing the parking and the lighting, and we're willing to work with you to move in that direction.

Chairman Cosentino: I don't want you here tonight before me to spend thousands of dollars to find out that nothing is going to be rezoned.

Anthony Monteleone: Thank you, I appreciate that.

Chairman Cosentino: It's up to my fellow board members.

Ralph Vigliotti: I have no problem voting for a recommendation to the Village Board of Trustees on the rezone on the property adjacent to the diner. We will discuss the other issues as they are presented to us once that is approved.

Chairman Cosentino: Thank you, Mr. Vigliotti.

Joseph Morreale: I would also like to see this move forward. I am in agreement of the recommendation of rezoning to the Village Board of Trustees.

Chairman Cosentino: Thank you, Dr. Morreale.

Sol Gibbons: I go along with you. Absolutely.

Chairman Cosentino: Thank you, Mr. Gibbons.

Stanley Bernstein: I have some misgivings. I think rezoning might possibly be a problem if we don't know what is going to happen with the project and the total site itself. I am willing to vote aye for the recommendation for the Village Board to rezone if it will push the project forward. The diner is a very valuable asset to Mount Kisco, it's a very valuable asset to my family, and I don't want to see this diner in a bad financial position. By the same token, I am a planner, and I have to consider the future of Mount Kisco. Unfortunately, we are many years behind the times and modern planning is looking forward to a walking, public transportation situation. Parking is anathema, and it's unfortunate, but we are stuck in this village with parking. If we can come up with some great plan to ameliorate the parking, I think we'd have a much better village. There are many things that are going to happen in that area. Rezoning Paul's Power won't really affect it one way or another, but we must be cognizant of the fact that there will be an enormous parking and traffic problem right at that point in the village. It's going to be an enormous bottleneck and we have to plan for it. I am not against recommending that the Village Board should rezone, but we have to bear in mind all the other problems that will be the consequence of this rezoning.

Chairman Cosentino: Keep in mind, Stan that Mrs. Munz said they are willing to work with us on that.

Stanley Bernstein: I heard that.

Chairman Cosentino: Thank you, Mr. Bernstein.

Vice Chairman Sturniolo: Mr. Georgiou, a lot of us were extremely critical of your attorney's letter recently sent out. When I spoke, I concluded by saying as critical as I am of the contents of the letter and the inaccuracies and misstatements, I want to put that aside and move forward with your application and not have you pay a price for something somebody wrote on your behalf. In listening to the Chairman, Mrs. Munz, Mr. Georgiou, I want to move forward and listen to the application. As you said, you are willing to move forward and make changes. I am behind an intelligent, constructive, dialogue, not hyperbole and not words that make absolutely no sense. As Mrs. Munz stated, it is September and I would like to move forward in a positive manner. I am with both of you one hundred percent.

Chairman Cosentino: I would like to thank the board for considering this application tonight. It's about time we get it off our plate and move forward.

Anthony Monteleone: I would like to thank your board also for looking at this matter this evening in a new light.

Whitney Singleton: We will collectively work on a recommendation to the Village Board that your board can vote on.

Chairman Cosentino: We will have that ready for you in the first meeting in October.

Whitney Singleton: I have not doubt that the Village Board will be cognizant of the fact that your board is anticipating this and they will schedule their agenda accordingly.

Anthony Monteleone: I would like to thank the board members for their objectivity in this despite the opinions they may have on the letter.

Chairman Cosentino: Thank you very much.

### **Formal Application**

**Boys & Girls Club of Mount Kisco  
351 Main Street  
PB2009-08**

**Present: Thomas O'Brien, O'Brien Architecture and President,  
Boys & Girls Club  
Brian Skanes, Executive Director, Boys & Girls Clubs**

Chairman Cosentino: We have your plans here, but there are things that were to be on it that I do not see on it.

Thomas O'Brien: Yes. Thank you for meeting with us tonight, because there are some things in process that we have to speak of. You remember we are time sensitive and we realize there are a few things missing. We were able to make the architectural changes that Austin had called out. We indicated gravel pathways as opposed to impervious material. There was a question about the lighting and we've indicated the exterior lighting on both land and elevation. You will see those are small tradition lights, not the big floodlights. There had been a question about what the lighting would be. I would also point out there are no utilities in the storage building, no heating or water. We were able to locate our original tree plan and as we move the building, it looks like we are not going to be affecting any trees on the tree plan. We will go back and double check if that is the case. According to our original tree plan, we were avoiding that. We had our lawyers take a better look at the Grove Street extension and in their review; their read on the language is that we have clear title.

Chairman Cosentino: We need to hear that from our counsel.

Thomas O'Brien: Yes, I will forward it to your attorney. The other issue was the property line setbacks. Basically, as we are a recreational area, any setbacks need to be 20 front, 30 side and 30 side. We don't have any property lines closer than 45 feet, and other ones are in excess of 100. If you'd like them drawn out we can do that.

Chairman Cosentino: We should have something for the record on that to put downstairs.

Thomas O'Brien: Okay. The one that has been the obvious lead-time has been the storm water management. We've been working with Mastromonaco Engineering. Right now there are two paths being investigated. They are reviewing the soil tests that were done some years ago, if you know where we are proposing the structure.

Chairman Cosentino: I was there.

Thomas O'Brien: It's pretty much rock ledge, and one thought is if we do tests and discover it's all rock ledge then the 880 foot structure wouldn't already affect it, because it's already non-absorbing. The other thing we looked into was the original design for the parking lot drainage and to see if it is oversized. Often times it will be slightly oversized or oversized, and if we could absorb the small amount of 880 feet. We wish we had more to report tonight, but those are the two things that are in investigation. The DEP has been notified. It has been a slow process trying to put this homework together.

Nanette Bourne: The issue of the storm water should be resolved, and the when other issues that were brought up last time in reference to the plans are resolved they can make formal application and you can declare your intent to be Lead Agency.

Chairman Cosentino: When is your deadline on that grant?

Thomas O'Brien: At the end of the year.

Chairman Cosentino: That should not be a problem.

Nanette Bourne: You have two options. One is if you're comfortable enough with the two storm water options you can approve it subject to if either one of those are acceptable to DEP, and then it would have to come back to you or you can wait until they approve it.

Chairman Cosentino: I think since they have a deadline the board would want to approve it subject to that so they can finalize their paperwork and get their grant.

Nanette Bourne: We can have them on for the first meeting in October for a resolution. By that time, you will have an indication from the DEP and it can be "subject to." If, for some reason both of those fall apart, you have to come back to the Planning Board.

Chairman Cosentino: We will put you on for October 13. We will have a draft resolution for approval with the stipulation of the DEP.

Thomas O'Brien: Thank you very much. We appreciate it.

Whitney Singleton: Have you overlaid this on a tax map?

Thomas O'Brien: Yes.

### **Continuing Review**

**Filippo Simone  
127 Barker Street  
PB2006-05**

**Present: Daniel Simone, P.E., Simone Design Group**

Chairman Cosentino: We had a public hearing and there were many, many residents that were present at the public hearing. I think they agreed with the board that the ingress/egress should be at the western portion of the property and not the eastern portion of the property. If we were to change that, I would have no choice but to have another public hearing, in all fairness to the residents in that area. If you will agree to keep it where the residents wanted it where it's out of sight, I don't have to have a public hearing. If you can draft your set of plans with the ingress/egress down there, I think it would save a lot of time and grief on your part and I think the residents in that area would be happy that we followed through on what they wanted to do. Because the makeup of the board here now was not the make up of the board then. I was here. I explained it to them and I think we should follow through with what the residents wanted.

Daniel Simone: We have no issue with that. I believe the last issue we were discussing was the site plan. I got a comment letter back from the DEP. The only thing I would have to do is revert the plans back to the original driveway design that this board could potentially issue a Negative Declaration and I could proceed with DEP on that stem.

Nanette Bourne: That would be up to the board. My recollection is that you submitted an Environmental Assessment Form some time back?

Daniel Simone: Yes. That was part of the original application.

Nanette Bourne: I recommend you freshen it up a little bit as your building location has changed, and it reflects what is being proposed. Then, the board recognizes this Catch 22 that you frequently get into when making your SEQRA determination in order to get some feedback from DEP. If you're comfortable with that, we can prepare the Negative Declaration for the October 13, 2009 meeting.

Chairman Cosentino: Yes.

Daniel Simone: Do you want me to submit the revised plan for that Negative Declaration also for that meeting?

Nanette Bourne: Yes.

Chairman Cosentino: We can schedule it for September 22.

Vice Chairman Sturniolo: Do you have any issues with the Board of Health?

Daniel Simone: No. The connections were approved under the subdivision, and when the subdivision was granted, the Board of Health acknowledged that there was ample water and public sewer. Thank you very much.

**Continuing Review:**

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

**Present: Erik A. Kaeyer, VP, K G & D Architects  
Brad K. Schwartz, Attorney at Law, Zarin & Steinmetz  
Edward Cohen, Owner, Buckingham Properties  
Ronnie Ross, Buckingham Properties  
Amanda Goad, Assistant Corporation Counsel, Environmental Law Division,  
Department of Environmental Protection  
Charlene Graff, Director of Compliance, Department of Environmental  
Protection Bureau of Water Supply**

Erik Kaeyer: Good evening. We are here tonight to show you a revised concept to the site plan that has been before you for a while now and we would like to go through the modification as well as the similarities to the previous concept. We would also be happy to discuss the three letters (one from Mr. Cohen, structural engineer and DEP) that were submitted since we were last before you. One additional drawing is as an overview so you can see this building in a relationship to a greater area on Morgan Drive.

Vice Chairman Sturniolo: This is a new conceptual plan that we are looking at?

Erik Kaeyer: It's a revision to the existing site plan. As I go through it you will see that most of the engineering aspects of this are the same. The largest single difference is that we are going from 60,000 square feet two-story office building with about 210 parking spaces to a 40,000 square feet one story building which has an office and warehouse component to it with a total of 100 parking spaces. The number of parking spaces is a little less than half of what it was, and the building size is about two-thirds of what it was.

Vice Chairman Sturniolo: So it's a whole new approach.

Erik Kaeyer: It is a whole new building approach. The actual site layout is fairly consistent. We had site walks in the past where we talked about this grove of existing evergreen trees that we want to maintain. We conscientiously were careful to maintain that. If you recall, we originally had about a 20-foot buffer, and over

time as we developed this plan, we brought that to 70 feet. That is still consistent. We talked in the past about a rain garden, a series of detention basins on the northern part of the property, which is consistent again with this plan from the previous plan. That aspect of it is identical. The real difference is in the central section here. Instead of it being a 30,000 square foot footprints we are proposing a 40, but it's one story as opposed to two, so the overall building height will be less. We felt that the original design was very attractive and the way we can design this as you're driving down past the post office looking at this building, you will see a one-story office similar to a lot of other buildings in this district.

Chairman Cosentino: How many square feet is the office and the warehouse?

Erik Kaeyer: About 20 and 20 split. There is a loading dock in the back. Our feeling is to design this in such a way that looks like an office building and it has an aspect to it where trucks are going to come in and drop off or pick up product.

Chairman Cosentino: What type of business is going in here?

Edward Cohen: I do not have a tenant and I don't know what kind of a business can go in there right now.

Chairman Cosentino: You do not have a tenant now?

Edward Cohen: No. Definitely, the office building and this building is just about economically feasible. If you ask me, what is my incentive to do this - things have slowed down all around us. I have an office full of talented people and I want to get them involved in a new project and keep them employed. That is the reason I am pushing this with you in trying to get this project through.

Chairman Cosentino: Would you be considering renting the warehouse space out separate from the office?

Edward Cohen: Again, that is not something I can put my finger on at this time, as I do not have a tenant for the office or the warehouse. The reason to build this is to make it as flexible as possible so I have a larger market than just an office tenant to rent to today.

Chairman Cosentino: You are at top-notch developer and we respect you for what you do. Please understand where we are coming from. If FedEx wants to rent your building, we get scared.

Edward Cohen: I understand.

Chairman Cosentino: We will be looking for things like that. They have a lot of trucks that come in and out and I don't know if Lexington Avenue can take the traffic. You need you to understand that.

Edward Cohen: I would like to know what you would visualize would be most suitable for a building on this site.

Chairman Cosentino: A fruit stand <laugh>. That is up to you. I would assume whatever you put there would have to come back to us, and you as a gentleman would bring it back to us. I do not know who would be looking for 20,000 square feet of warehouse or 20,000 square feet of office space. If you are going to rent out 20,000 square feet of office space and you have a moving company coming in with tractor-trailers, the visual of your building is no longer attractive. You need to keep that in mind when you rent it.

Edward Cohen: I would like to say that it would be in conjunction with the offices, but I cannot say that now.

Chairman Cosentino: Because of mitigation, I would like you to come back and explain to us what it is going to be so we can be part of it. This is not the last building you are going to build and we would like you to work with us on that.

Ralph Vigliotti: Are you providing parking for any trucks on site?

Erik Kaeyer: The expectation with this design is that no trucks are staying overnight. If they were staying overnight, it is because they are showing up after hours and they would have to parking those four spaces.

Ralph Vigliotti: You are not planning to come in later on and say we're designating similar to Frito Lay 20 parking spaces for trucks.

Erik Kaeyer: No. Sometimes these businesses are such that they come in after hours.

Joseph Morreale: One diagram shows a blue rectangle and the other shows dotted spaces. Are we looking at almost a separate building to where the storage space is and then a separate building behind it?

Erik Kaeyer: The yellow or orange office portion would most likely be a 14-foot tall building. This portion would be somewhat taller, maybe 20 or 18 feet. There is the ability to bring some clerestory light into the warehouse and the warehouse would need a higher space than the office portion.

Joseph Morreale: So the orange space is all office?

Erik Kaeyer: Correct. These are the existing structures on site. There is another conversation here related to the structural questions.

Joseph Morreale: The warehouse is actually going to be the overriding building.

Erik Kaeyer: It will be somewhat taller with the ability to bring light in to the interior of that warehouse. With northern light, the best exposure to bring that in would be on that elevation.

Joseph Morreale: What would we see from Radio Circle?

Erik Kaeyer: 70 feet of trees. In the summertime, you will not see anything. In the winter, because this building is sunken into the ground, the site slopes 11 feet from that end of the building to this end of the building, this portion of the building probably is only ten feet about ground, maybe less. The top of this building probably is not significant higher than the grade of the property. I would not expect you to see it from Radio Circle. The view we think you will see it from is driving up and down Morgan Drive. If this was a concept you would be willing for us to consider, we would develop this to the next step and do a three-dimensional visual.

Joseph Morreale: These are deciduous trees?

Erik Kaeyer: Yes.

Stanley Bernstein: The existing buildings are the actual old settling basins for the city. It was at one time a greenhouse. That is going to be the in situ encapsulation area?

Erik Kaeyer: Correct. It's still a greenhouse.

Stanley Bernstein: I read the many letters and got the impression that there will be no building above those encapsulation areas.

Erik Kaeyer: That is not accurate. The plan is that there could very well be building on top of it.

Stanley Bernstein: Yes, the office building. According to your structural engineer, he said no pilings would be required.

Erik Kaeyer: Our experience in Westchester we have never once done piling in Westchester.

Stanley Bernstein: I am very surprised. Is this a new application?

Erik Kaeyer: No.

Stanley Bernstein: It is an existing application with changes. You are aware that this has been posdec'd from the past and it has been scoped. The scope has to change. It has to be a new scope since it is an extremely large change in application. You are aware you have to go through a new scoping document?

Brad Schwartz: Yes. We are aware of the prior posdec and scoping document. I think this was a revised concept that is pursued. We will talk Whitney and Nanette

about dealing with SEQRA and application. We want to get some feedback on the layout.

Stanley Bernstein: The last time you were here, Mr. Steinmetz indicated that he wanted the entire project under one scope. The remediation of the area plus the building, and that still holds.

Erik Kaeyer: Correct.

Stanley Bernstein: We are not going to divorce the clean up with the actual building?

Brad Schwartz: That was a prior way to propose it.

Stanley Bernstein: Everyone here is aware of where the SEQRA status is at this point in time. You are here more or less as a conceptual, even though it really is not a conceptual. It is a change, but you do have a concept you are giving us so we tell you what we feel about it. It is an informal change of application.

Brad Schwartz: Correct.

Chairman Cosentino: I think it could have a potential of less traffic, depending on what is going to go there. I have no problems with the concept of the warehouse and office.

Nanette Bourne: Is the storm water concept and impervious about the same as it was before?

Erik Kaeyer: About 35% before and about 37% now, so it's about the same.

Nanette Bourne: And your concept is the same for dealing with storm water?

Erik Kaeyer: Identical. Before we had 70 parking spaces under the zoning, so by going with a use, which requires less parking, we were able to not have the building height. Instead of it being a 30 to 40 foot tall building, it now can be a 20-foot building.

Chairman Cosentino: Because you have 100 parking spaces and 20,000 square feet for an office, I do not know what the warehouse is going to be, it is important to know what is going in the building. The concept of the building is nice.

Erik Kaeyer: That is why there cannot be any sort of manufacturing. There is not enough space on this site for manufacturing.

Chairman Cosentino: I am sure Mr. Cohen will work with us on that, because we need to know what the mitigation is going to be. Lexington Avenue can only handle so much, and we are almost there now. As you know, Frito Lay went from large trailers to small trucks. Instead of having 20 trailers, we now have 50 trucks. It is a concern of this Planning Board.

Nanette Bourne: The pervious pavement that is shown on here, I personally think in support of the pervious pavement that it has been an issue for the Planning Board for other applications. It was used in Curtis Instruments after a lot of conversation.

Erik Kaeyer: It's important to talk about this as there are a lot of different types of pervious pavements.

Nanette Bourne: Last time we visited this, I am not sure if the zoning permits it, even though I support it. It is an issue as a lot of parking spaces are shown as pervious pavement. We have to navigate how we deal with that.

Erik Kaeyer: Does the board have a stance on pervious pavements and the types that you prefer?

Nanette Bourne: It has been a few years, but the last time we visited this there was an issue with DEP even though the board was in support, the DEP was not recognizing it. Maybe their position has changed.

Erik Kaeyer: I would like a countywide discussion on this, as I think it is an important subject. You can get it from where it looks like grass with little plastic inserts to what they did at Curtis, which is big concrete with 50% holes, to pervious

asphalt, which is just using a larger aggregate in their asphalt, and the water is seeping through as opposed to ponding on top.

Nanette Bourne: Is DEP now recognizing that?

Erik Kaeyer: They are in the room, so I'll let them discuss that. There is also another issue of cleaning and maintenance of those different types of surfaces.

Nanette Bourne: The point is DEP does not recognize it. Also, a short Environmental Assessment Form has been included, which really is immaterial for this application.

Joseph Morreale: From all the things we read, the in situ seems to be acceptable.  
Chairman Cosentino: We need to know more about that.

Nanette Bourne: They are proposing a modification to their project description. It consists of two primary differences. One, the use and the site for this building; two, their proposal to mediate what needs to be cleaned up on the site.

Stanley Bernstein: Since this has not been divorced since it has between the two parts of the project, remediation and the building, and since it has been pos dec'd, I think a full discussion in the DEIS on both methods. Obviously, they are going to be in favor of one, and how the Planning Board feels as to whether they presented their case well enough. The case has been presented fairly well with the letters we received from DEP and Mr. Cohen and the engineer. Still, I do not think we should even think about it until we see what the DEIS says, have a full discussion of both methods and like any other SEQRA process, we will go through it and make our comments accordingly. Eric, do you expect this to be a LEED certified project?

Erik Kaeyer: Absolutely a LEED comparable project.

Stanley Bernstein: If you were going to ensure us that you were going to do an environmentally proper building site, that is probably good enough than having LEED silver, etc.

Erik Kaeyer: I would absolutely recommend to my client that it makes not only environmental sense but financial sense to do a sustainable building.

Joseph Morreale: I think this is an interesting project and I understand what you are arguing economically. I am concerned with the relative distribution of parking spaces. You only have 20% of your spaces allocated for one-half of the building. I know that meets the requirements, but the hesitation I would have is to know for sure that you would not all of a sudden have a big need for parking spaces. Also, keeping that in mind, what is your time frame?

Edward Cohen: I would reverse that. It depends on how early we can get our approvals.

Joseph Morreale: If we start with a DEIS, what kind of time frame will that generate?

Nanette Bourne: If we re-scope it, it is probably six weeks, and probably three months before an Environmental Impact Statement can be written.

Edward Cohen: We have been losing good time the last four years trying to do something with this project.

Chairman Cosentino: We did not change this. You did.

Edward Cohen: I understand. There have been a lot of already expended fees for the different aspects of this project. Some of the studies exist can be used for this amended version. What is more troubling is the fact that I don't know whether the board is going to require in situ cleanup or the complete clean up of removal, which then would cause this project to suffer, and send me back to the drawing board to think whether it is worth doing. In the last three or four months we've made every effort to see if we can answer your questions and make you comfortable with the in place clean-up, but a response is appreciated. That would make a big difference to where we are going with this project.

Chairman Cosentino: Giving you an answer as to how long it's going to take would be difficult. We have to follow a procedure, and we certainly cannot leave certain important environmental items out. I could not give you an answer to that.

Brad Schwartz: It should be a fairly limited length of time.

Nanette Bourne: In terms of length of time, that is really up to the applicant.

Chairman Cosentino: There is no way of cutting that?

Nanette Bourne: It is in their hands. They have to revise the plan, do the engineering, do the stormwater pollution prevention plan, etc.

Chairman Cosentino: I am saying this for certain reasons. I want this in the minutes.

Nanette Bourne: It is in their court, not ours.

Erik Kaeyer: I think we know and appreciate the time it takes to get through the whole SEQRA process. I think Ed is still concerned whether, if all the engineering and experts that talk about the difference between the in situ or the total clean up - if the experts say the in situ clean up is an acceptable solution - that this board will buy into that and allow us to do that type of clean up as opposed to removing it. It is a significant financial impact to the project if we have to remove it. Everything that we have heard from our experts and DEP is that cleaning up is in place and acceptable.

Chairman Cosentino: Are you contract vendee of this property right now?

Edward Cohen: Yes.

Chairman Cosentino: Why would you have to pay for it? Isn't the property owner responsible for this?

Edward Cohen: I do not think he is in a position to undertake this project at this time.

Chairman Cosentino: Then he is stuck with a piece of property then, isn't he?

Edward Cohen: Yes, but so is the village and so am I.

Chairman Cosentino: We all have to do what is best for each of us; the village, the owner and you.

Edward Cohen: It is partially coming out of my project, this is between the property owner and me and that is the reality today. I wish it was otherwise but it is not.

Chairman Cosentino: I would hope he would reduce the price of the property.

Edward Cohen: There is some discussion in that respect.

Stanley Bernstein: Mr. Chairman, which brings up another point. To ameliorate his problem, shouldn't New York City Department of Environmental Protection be responsible for this clean up?

Chairman Cosentino: At this point, I cannot call on anybody. We'll have to answer that another time.

Anthony Oliveri: At this point, there are no hearing details on the revisions. I would question the surface ponds on the storm water that are being proposed here.

Erik Kaeyer: It is outside of the sludge base.

Anthony Oliveri: The structures within those areas are coming out or filled? I thought on the original plan they were filled.

Erik Kaeyer: It depends on which one you're talking about and how deep they go, but they would be required to cut down seven feet below finished grades so that we would be able to build up a soil cushion for the building.

Nanette Bourne: The next step is to figure out what the project is, so whether or not it's you that takes back with the Planning Board has said tonight and come back with a revised project, or if you want to discuss it again with the Planning Board.

Chairman Cosentino: I think the Planning Board has to think and absorb some of this and give you a reasonable answer. We will put you on the agenda for the second week in October.

Edward Cohen: There are a few ladies here from the Department of Environmental Protection and we thank them for coming and or their time.

Amanda Goad: On behalf of DEP, we are here to answer questions if there are any as a continuation of the discussion from the June meeting, where there were some questions directed towards DEP, one of which was about wetlands, and you received the letter from Mr. Usai, answering those questions. Charlene has reviewed the remediation plans and if there any questions of an engineering nature about that, she would be the person to ask.

Joseph Morreale: Having read the various letters that we received, are you both convinced that this in situ method is safer in terms of the wetlands and leakage?

Charlene Graff: We are very comfortable with the in situ proposal. We generally do follow New York State guidance. We would typically look to ensure that it at least complies with New York State. If there is something unique on the property and we felt it was something that goes above and beyond, we would let that known. Looking at the historical data and our own water quality data, we are very comfortable that in situ would be protective of our concerns and could very well support the in situ remedy.

Joseph Morreale: If you considered an alternative, is there a better one than that one?

Charlene Graff: That is a relative term, difficult for me to answer exactly what you are asking. As you know, they are normally looked at, pros and cons to all approaches. Looking at differential benefits of different approaches, looking at this particular project and where it's located and what the data on the surrounding properties has told us over the years, I don't see a large incremental benefit for removal as opposed to in situ.

Joseph Morreale: I raised the question earlier because what I'm hearing us doing is asking for a study of two alternatives about what to do with this site. And yet, we have gotten all these feedback from DEP and what I thought was a declaration saying yes this is probably a good way to go. Now we are hearing there might be a better way to go. Why are we asking them for so much time lag and further study? Why aren't we willing to entertain a new plan and consider the in situ as the best method? What am I missing?

Stanley Bernstein: We are not really asking for them to rehash anything. When I made my comments I said all of this has to appear in a DEIS and at that time, there will be a public hearing and additional organizations such as the Conservation Advisory Council of Mount Kisco and other interested groups who will make comments upon both systems. We may now at this point feel it has been covered very well, but we have to follow the SEQRA process which requires a new scoping and a DEIS which should not that long since you've got much of this work done. I do not think it will take that long for us to look it over, comment on it, and have the public comment on it. It is not a question of doing anymore work and looking at any additional information.

Nanette Bourne: On that note, if you think back to a lot of the documents that you have, it's pretty much already been done.

Chairman Cosentino: I think Dr. Morreale is asking if there is something that is better than this.

Joseph Morreale: I got that answer, which was pretty much no. This is probably the best way to go. I was really asking the question, how much more did we have to do, more than what we have done. Am I hearing that we never did a DEIS?

Stanley Bernstein: No. We did the scoping. All the information is there, and all they have to do is print it.

Nanette Bourne: What isn't there, and this is not for the board to decide on tonight - you have some basins that cross the property line and we need to know how you will deal with that issue.

Vice Chairman Sturniolo: We were looking at the original concept for this and that property line almost as an invisible line because we wanted to see what was and was not necessary for the overall cleanup and not necessarily stop at a property line demarcation.

Nanette Bourne: I would be interested in seeing comments on that issue.

Charlene Graff: I cannot speak for the other property owner and to what exactly their plans are, but our general overall opinion does not change by property line.

Nanette Bourne: But would you do the in situ up to the property line?

Charlene Graff: I hesitate to answer for the property owner.

Amanda Goad: We are separately in ongoing discussions with the property owner. They are making their own plans for what to do.

Nanette Bourne: And that rightly, fairly or not fairly is going to have an impact of the outcome of this property.

Joseph Morreale: Is it fair to say that environmentally it makes more sense to do the entire area regardless of property line?

Charlene Graff: Not necessarily. The reality is what is there is there and has been there for many years. In terms of drawing different lines, is it better to do everything at once versus piecemeal, I am not sure it makes a huge difference. The truth is these have existed for many, many years.

Vice Chairman Sturniolo: But does age make it right?

Charlene Graff: No. I understood the question as, "Is it better? Would it make a difference to do it all at once as opposed to two separate things?" I do not believe it does make a difference. They are already existing. This is not that way.

Chairman Cosentino: You just made a statement that you are in talks with the property owner. Am I correct?

Amanda Goad: Yes.

Chairman Cosentino: Is the property owner going to do the same thing with the tanks that your decision was on Mr. Cohen's property?

Amanda Goad: That is not something I can answer.

Chairman Cosentino: I think we need an answer on that. Why should we have Mr. Cohen do something and the other property owner remove his tanks? If they are going to remove his tanks, he is going to have to remove his tanks. How can you make a judgment on two pieces of property with two different judgments?

Charlene Graff: My opinion would not change by that property line. There are cases, not necessarily this case, where property owners choose to do different things to benefit other portions of the property as opposed to an environmental impasse.

Chairman Cosentino: So, for the record, you're saying that you would come to the same conclusion as you have come to Mr. Cohen's as the adjacent property owner who has the tanks?

Charlene Graff: There are some differences between the two.

Chairman Cosentino: They are the same. I know that property well.

Charlene Graff: There are some different data points on his property versus this property. There are times where there are multiple data points in an area, one of which exceeded state criteria. Others surrounding it do not. In those cases, even the state has looked at whether any active remediation is required in that "hot spot." Or whether it is okay because of the surrounding it shows no migration because if it's

subsurface and there will be no human exposure to it. In those cases, often times New York State will say that's fine and they'll just put a de-notice there, so people know if they were ever to disturb the soil in the future, there is the impact left behind. We do review them, somewhat case by case on their merits, but the fault process - the methodology - remains the same given that the hydrology is no different.

Chairman Cosentino: So you are relying on someone else's report, not the test that you took yourself?

Charlene Graff: We look at their report. We look at data that we have on record in terms of has there been impact to our water supply, local life stream, things of that nature.

Chairman Cosentino: You are backing them up, saying that they are positively right. What makes them so right, without you people actually taking the test?

Charlene Graff: If the data integrity seems to be intact we do accept their data integrity. They have licensed professionals looking at that, we do not particularly believe that people will put their professional licensing on the line to falsify data. Unless there is something in the data that we question such as planks on the analyticals, etc.

Chairman Cosentino: So you are asking this board to accept second hand information.

Charlene Graff: The question I believe I was posed to the board is, whether based on our review of the material we felt that in situ stabilization would be an acceptable protective alternate for remediation, and in fact, I do.

Amanda Goad: If I could just add a clarification to that. What Charlene and her co-workers have reviewed is a Phase Two in our site assessment, and they are looking for discrepancies from the norm and discrepancies from the many other studies they have seen. They did not find that, and the evidence was similar in what you heard last meeting in June from Dr. Janus. She reviewed DEP's own data on water quality and came to the same conclusion.

Nanette Bourne: I received all the reports and information from Miller Associates.

Chairman Cosentino: So all the reports that you relied on went to Miller Associates?

Charlene Graff: I have to go back and give you any other consultants.

Chairman Cosentino: Could you check on that for us? We would be interested in that.

Amanda Goad: Tim Miller was the contractor for Buckingham.

Brad Schwartz: We have submitted all of those and again it would all be repackaged as part of the DEIS.

Chairman Cosentino: I respect your opinion, but being in business, I do not take second hand information as a positive. I like to do my own checking and you, obviously, did not. In all respect, you took somebody else's reports and you are reporting back to us. That is what happened.

Charlene Graff: In looking at the data that was supplied, correct, and evaluating it against our criteria, that is correct.

Chairman Cosentino: Have we ever hired an engineer to check this?

Nanette Bourne: Yes, C.A. Rich and the professionals from my firm and they all felt that the data was adequate. The difference of opinion had to do with the benefits of in place or in situ and there is no one-way or wrong answer.

Chairman Cosentino: So Rich's report agreed with their reports?

Nanette Bourne: I do not think Rich submitted a report.

Chairman Cosentino: Yes he did. I remember getting something from him.

Brad Schwartz: He submitted a letter that signed off and recommended a dig and haul approach, but he did not perform any of his own data collection. He relied upon the data that Tim Miller's office collected.

Chairman Cosentino: So we are just relying on someone else's information. I understand. Am I happy? No, but I understand what has to happen.

Brad Schwartz: So turning to the next step, we would like to come back for the second meeting in October for further discussion.

Chairman Cosentino: Yes, you need to give us time to digest

Nanette Bourne: There are two ways that you might consider dealing with the scope. One is we would take the scope that was adopted however many years ago and put it in the agenda for you to look at it, and I can be prepared to point to areas that would need to be changed to reflect this revised project. The second would be to have the applicant prepare a revised scope.

Brad Schwartz: We could submit something in advance for your review and comments.

**Correspondence**

Letter from Scott Blakely to Chairman Cosentino and the Mount Kisco Planning Board members dated August 17, 2009 re Carolex Corp., LLP, 211 Kisco Avenue.

As there was no further business to discuss, on a motion by Vice Chairman Sturniolo, seconded by Mr. Vigliotti, the meeting was adjourned at 9:50 P.M.

Respectfully submitted,

Stanley Bernstein,  
Recording Secretary

dm