

Minutes  
Meeting of the Planning Board  
Regular Session  
Village/Town of Mount Kisco  
Tuesday, June 8, 2010

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

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

**Members Absent:** Stanley Bernstein  
Joseph Morreale

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

**Acceptance of Minutes**

May 11, 2010

**Motion:** Ralph Vigliotti  
**Second:** Vice Chairman Sturniolo  
**Aye:** Sol Gibbons  
**Aye:** Doug Hertz  
**Aye:** Ralph Vigliotti  
**Aye:** Vice Chairman Sturniolo  
**Aye:** Chairman Cosentino

**Public Hearing:**

**Diamond Properties**  
333 North Bedford Road (MKAC)  
PB2010-5

**Present:** Michael Gallin, Gallin Design Studio, representing the applicant  
James Diamond, Diamond Properties, property owner

**Of Counsel:** Michael Landler representing David Stolman,  
Frederick P. Clark Associates  
Lester Steinman  
Rick Buseman, Mount Kisco Athletic Club

Chairman Cosentino: Let the records show that it is not Gallin Design Studio but Diamond Properties.

*There were no signatures on the sign-up sheet and no one present to represent the public for this public hearing.*

Michael Gallin: For the record, we did complete the parking study and provided a copy for the village planners.

Austin Cassidy: We are in receipt of the return receipt cards from the applicant; they were duly published with public notice.

Vice Chairman Sturniolo: We will keep the written record open for an additional ten days for any written comment from the public.

**Motion to Close Public Hearing**

**Motion: Vice Chairman Sturniolo**  
**Second: Ralph Vigliotti**  
**Aye: Sol Gibbons**  
**Aye: Ralph Vigliotti**  
**Aye: Vice Chairman Sturniolo**  
**Aye: Chairman Cosentino**

**Draft Resolution (Review and Comment Only)**

**Diamond Properties**  
**333 North Bedford Road**  
**Mount Kisco Athletic Club PB2010-5 and**  
**Mount Kisco Sports Arena PB2008-16**

Chairman Cosentino: This is only a draft resolution under a special use permit.

Lester Steinman: There are three documents before you. One is a draft resolution, which would further amend special permit approval given to the athletic club. Another resolution would be a further amended site plan approval for the entire site. You also have a drafted negative declaration. If it is the Board's desire, I will give an overview of the two resolutions. Any member can stop me at any time with comments, suggestions, etc. The special permit resolution begins by reciting the history of the application. Back in 2009, the Planning Board granted site plan approval to allow the use of 71,600 square feet of floor area for a sports training facility to be known as the Mount Kisco Sports Arena. Thereafter in November 2009, the Planning Board granted a special permit to allow the health and athletic membership club to be known as the Mount Kisco Athletic Club to occupy 29,380 square feet. A certain traffic cap had been established at the beginning of the process, and in connection with prior approval, the traffic cap had been then modified to increase the cap from 350 to 450 trips. In addition, the applicant has come before the Planning Board seeking amended approvals to convert approximate 11,000 square feet of physical training space in the Mount Kisco Sports Arena to the Mount Kisco Athletic Club. That is the subject of this particular application. The resolution then goes on to recite the materials that were submitted. There is a reference to Document to PD02 and 1B2, Zoning and Parking Analysis. This document had not been submitted; it was submitted tonight and will be reviewed by Frederick P. Clark's office prior to the next meeting. In addition, the matter was referred to the Westchester County Planning Board. Today we received a notice from them saying the matter is for local determination by this Board. It has been determined that the proposed action is a listed action, and you will have to make a SEQRA determination prior to taking any action on the special permit or site plan amendment. The

resolution then goes on to incorporate for the most part findings and conditions that were already established by this Board on prior approvals. There is very little happening on this particular application, just a switch of the square footage between the two previously approved uses. The Board re-states the finding that it already made about the propriety of the issuance of a special permit here for the athletic club, re-states the conditions from prior resolutions, and sets forth the timing of when those conditions have to be satisfied. There are no new conditions in there that were not previously contained in prior resolutions. It talks about the traffic mitigation measures that are part and parcel of prior approval and carried forward. In addition, there are some general conditions, which also were previously established in prior resolutions. One change is on Page 7, C2B. The "total occupancy" should be changed from 250 to 275 persons at all times. Also discussed is connection with the transfer of the square footage. In other general conditions about special event permits and procedures, all were previously established and are carried forward, as are the conditions of Child Minding Service. That is the essence of the amendment of the special permit.

Vice Chairman Sturniolo: A constructive suggestion. For the next Planning Board meeting, please include in our agenda packet a copy of the recent Westchester County communiqué.

Sol Gibbons: Is the reference to self-storage on the fourth whereas; is that necessary in this resolution?

Lester Steinman: You make a good point. I will take a look at it and see if it is still appropriate.

Sol Gibbons: Also the fourth whereas should read, "Also granted site plan approval for Mount Kisco Athletic Club.

Lester Steinman: So noted. If there are not any other comments, I will go on to site plan resolution. Again, it recites the history. Site plan was granted to Diamond Properties on the site. It talks about the fact that the athletic club and the sports arena for certain square footages were previously approved. Again, the site plan here is reallocating 11,000 plus square feet as physical training space from the sports arena to the Mount Kisco Athletic Club. We understand the documents that were submitted, the parking analysis, which has been submitted tonight and will be reviewed by Frederic P. Clark Associates. The conditions that are set forth on page five are all carried forward from prior resolutions. The same is true on page six. That, in essence is the site plan resolution that you have.

Chairman Cosentino: The extra space that they are taking is for the pool?

James Diamond: Yes, to accommodate the lap pool and the squash court.

Lester Steinman: If there are no comments, we can finalize these resolutions for the Board and the Board can schedule the matter for final action.

Austin Cassidy: Just as a reminder to the Board, the Board had previously indicated that it would like this to follow at the very next meeting.

Chairman Cosentino: We will schedule it for June 22.

Sol Gibbons: On the site plan resolution on page two, you have the same comment.

Lester Steinman: We will correct that.

Chairman Cosentino: There is nothing on this draft resolution that we want to talk about now, because the final resolution will be final and reflecting the draft resolution that we discussed tonight.

### **Public Hearing**

**BMW of Mount Kisco  
250 Kisco Avenue  
PB2009-16**

**Present: John Slaker, Landscape Architect  
Rich Stavridis, Owner, Premier  
Rob Sherwood, Landscape Architect**

Austin Cassidy: The public notices were duly posted in public buildings and the applicant has proof of mailing. Also, for the record, I do not see any signatures on the sign-up sheet for this public hearing.

John Slaker: As we went over the last time, we are proposing four cars. This rendering is trying to give us a three-dimensional portrayal of how the cars will sit on the hill. This is basically being viewed from across the street. There are two lower four-foot walls and then one wall up in the back, which retains the backside of the slope. We have responded to all comments from the various consultants regarding the drainage and lighting. I did not do the lighting; BMW has their own man to do that.

Anthony Oliveri: I have a few comments, which need to be addressed prior to final resolution. I will refer to your memo that answers our previous memos. I do not have a survey. I will assume it went to the Building Department. Four complete sets, signed and sealed, should be presented.

Nanette Bourne: There was a survey that was part of the original application. The next time you submitted something, the survey was omitted.

John Slaker: We will get it signed and sealed from our surveyor.

Anthony Oliveri: We asked for calculations on the retaining wall. That would have to be provided by the engineer and that could possibly be a condition of approval to be done prior to the issuance of any building permit. You had calculations on the drawing beside the drywells. Those calculations need to be on your engineer's drawing and signed and sealed. It also used a two-inch rainfall, and noted that as a 25-year storm, and that is not correct. Have your engineer look at that.

John Slaker: What are your requirements?

Anthony Oliveri: A 25-year storm should be six inches, and the P.E. needs to sign off on that. The other issue was the slopes, which I brought up last meeting. I do not know if you could meet that or not. I raise it again and leave it to the Board to make a decision on that.

John Slaker: Because the existing site is already a 2-to-1 slope, and even though we are benching it – putting back a 2-to-1 slope below the wall for about 120 feet, I was wondering if the Board could waive.

Anthony Oliveri: If you went with a 3-to-1 slope, you would also increase wall heights as well. I understand the trade-off there. Also, the lighting plan needs to be reviewed.

Nanette Bourne: The material that the applicant provided included the cut sheets and specifications for up lighting. I spoke to the applicant and said that the cut sheets were fine, but a photometric needed to be provided. The photometric was provided, but it exceeded the village's guidelines. Today they submitted a revised photometric, which I believe is in your packet. They have brought the lighting levels down substantially – order of magnitude from maximum of 25-foot candles to 14-foot candles with an average just over five. This is something we need to look at tonight because it is unique, as most of the time, we are looking at lighting levels that are pointed down. These are lighting levels that are pointed up and you have to have them light what they are supposed to highlight without having it spill over and create a halo.

Rich Stavridis: As you can see, we reduced tremendously on that. The average is just over five.

Nanette Bourne: I would like to call your attention to a bit of a unique issue. When this was first approved as Premier Auto, it was recognized that this was in the village's urban renewal district and had to get Village Board urban renewal Board approval. Subsequent to that, there was a request to terminate the village's urban renewal area. A couple of minor modifications that they made were made with the thought that the urban renewal area did not exist anymore. Mr. Palmer informed me that in fact, the urban renewal district was not eliminated, it is still in existence. This is back as an urban renewal action within the urban renewal district. Whatever your board does, you need to refer it to the village board as the urban renewal agency for their approval.

Chairman Cosentino: Does this stop the process now?

Nanette Bourne: It does not have to stop the process. It can be a condition where you request that before building permit is issued it goes to the village board.

Chairman Cosentino: Since it has to go back to the village board before he has issued a building permit what is the timing on this?

Whitney Singleton: It is just an application to the village board. As Nanette said, you can make your resolution subject to their approval, or they can act independently. It will require a meeting with them.

Chairman Cosentino: Would this make the next village board agenda?

Whitney Singleton: No. The next village board meeting agenda has already been created.

Rich Stavridis: What does this all mean to me?

Whitney Singleton: You have to propose to the village board what you are doing and it has to comply with the urban renewal regulations. I have not had a chance to compare this against urban renewal regulations. This is the same thing John had to do with Mount Kisco Commons.

Nanette Bourne: This is what you had to do originally. You went through it once before.

Whitney Singleton: What happened is that the urban renewal regulations were proposed for appeal, not by us but by the State of New York. We consented to their appeal. The problem is the governor submitted to the legislature, and the legislature rejected it. Not just our urban renewal regulations, but what they call "more abundant legislation statewide." Things that were no longer necessary. For whatever reason, the legislature rejected it and it is now being proposed for appeal again, and we are going to consent to it being repealed again. Hopefully this time it will pass, but right now, the regulations are still applicable.

Chairman Cosentino: In the future, could this Board be notified sooner than the witching hour?

Rich Stavridis: When did it change?

Chairman Cosentino: It was always in effect.

Rich Stavridis: Was it taken off and now put back on?

Whitney Singleton: It was never taken off. We were under the impression that it was.

Nanette Bourne: We were never notified that it had not been.

Whitney Singleton: We were notified by the state that it would be repealed.

Chairman Cosentino: Obviously, somebody found out somehow that urban renewal is involved, and it is brought to us now when it should have been brought to us weeks ago.

Whitney Singleton: That is true. We just did not know it weeks ago.

Vice Chairman Sturniolo: It is sad to hold up the applicant because of internal lack of communication in this building.

Chairman Cosentino: There is a possibility that it could be done in two weeks, and there is nothing this Board can do about it. It is here and we have to eliminate it.

Austin Cassidy: Your board can continue to act without it.

Chairman Cosentino: Yes, but it still will not do him any good. He will not be able to get a building permit until the village board acts on it.

Chairman Cosentino: I would like to make it a condition. Our Board meets the 22<sup>nd</sup>, and the village board meets the 28<sup>th</sup>. We can make it as a condition.

Austin Cassidy: Will the technical things being asked for tonight be provided in time so you can be placed on the next agenda?

John Slaker: Yes.

Anthony Oliveri: For final resolution, we need to have plans reviewed and approved to be included on the resolution. There is also the question on the slopes

Chairman Cosentino: Is that a matter for the Planning Board? Will they allow us to do the 2-to-1?

Chairman Cosentino: I cannot speak for the rest of the members, but I do not have a problem with it.

Austin Cassidy: There is no engineering.

Anthony Oliveri: It is strictly something that is stated in the code and I am not sure whether the Board can waive that against other things, and if it is within the discretion of the Board to waive it. One of the criteria under the steep slopes law is a requirement that slopes not be in excess of 3-to-1 when retaining walls are used. They have a requirement of 2-to-1, which is steeper.

John Slaker: The existing site that we are disturbing is 2-to-1. If we were not proposing any retaining walls, we could have a complete 2-to-1 slope.

Nanette Bourne: With regards to the lighting plan, do you have someone here tonight who can discuss the revised plans that are in the Planning Board's packet?

Rich Stavridis: Unfortunately, no, not in detail. As you know it was just revised. Is there some question we can try to answer?

Doug Hertz: I will take a stab at what the issues are. There are areas that are almost three times brighter than the code allows. This is a somewhat unusual lighting application in that typically for a parking lot, you can expect people walking and cars driving through any of these areas. This is not exactly what is happening here. It is not clear from the plan exactly what these numbers represent. A typical lighting plan would indicate what the ambient level would be, let's say at three feet above the ground surface. While that is interesting, it is not the only thing that we are looking at here. You are dealing with highly reflective vehicles. As one member of the board, I'd be reluctant to look at lighting levels that are above the level that the code allows. It does get tricky to light these cars evenly in such a small throw (sic) area, but my first run at this says if you cut down a level of luminaries, if you just download these units the hotspots go away (sic).

Rich Stavridis: I'm going to say it should be able to be done, but I'm not sure without talking to them.

Doug Hertz: If you have a hot spot one inch away from here, it's not lighting anything. It's literally lighting the air. These are theoretical numbers and these are model numbers. These are not actual numbers. Obviously if you put the car six inches away from the light, -----.

Rich Stavridis: That is not what I want. I want it to be as even as we can.

Austin Cassidy: When you think about it, it's not going to make a difference whether the car is white or black. It's reflecting.

Doug Hertz: Nevertheless, we really can only go with ambient levels. It's up to you to polish the cars as well as you can. I'd have them seriously look at what is going on here. I don't think there is anything wrong with the plan other than the intensity that is coming out of the units.

Rich Stavridis: I think we can do that, but I don't want to commit to it without talking to them.

John Slaker: Is that something we can present back when we make our submission back with the rest of the engineering comments?

Austin Cassidy: I would strongly recommend you have someone able to answer questions from the Board.

Doug Hertz: You have this driveway surface and stonewalls, which are fixed items. The brightness of those, particularly the stonewalls are a real concern. I don't think, even in this plan, it's not an issue. Certainly if you have a white reflected car that is sitting in an area that is two and one-half or three times over the limit, it is going to be a beacon. With cars coming around that corner, that is not something we are all looking for.

Rich Stavridis: I am looking for a nice even flow where there isn't blaring.

Chairman Cosentino: You work with your lighting people, and Nanette, please work with him so he can bring it and have it ready for the 22<sup>nd</sup>.

Nanette Bourne: I will be revising the resolution the week before the 22<sup>nd</sup>.

Rich Stavridis: We should have no problem doing that.

Vice Chairman Sturniolo: I am familiar with the lighting system and the flat beam technology. You are definitely on the right path in the type of fixture you've chosen. As my colleague, Mr. Hertz, said, it really is a matter of downgrading the output of the individual bulb in there. This unit is extremely flexible in tilt and design. In reading the letters from various lighting consultants that all kind of zeroed in on the same fixture, I believe you are really on the right track in choosing



this. It's just the modification that you need to make. Granted this is just a rendering, but the contrast ratio of the stonewall to the white building – is this fairly accurate?

John Slaker: The building below, you don't see it behind the trees, it is all stone right now. It is the exact same stone that we're using on these walls. That is what we are trying to bring down from the building and pull it together. Unfortunately, we didn't render in all the flowers and plants. I know you were more interested in the perspective of it.

Chairman Cosentino: Austin, you and Whitney are going to get together on the steep slopes. I want to make one change on the bottom of the draft resolution. Where it says "lighting requirements by the Town of Mount Kisco," it is the village of Mount Kisco.

**Motion to Close Public Hearing on BMW of Mount Kisco, 250 Kisco Avenue, keeping open the 10-day Written Notification**

Motion: Vice Chairman Sturniolo  
Second: Sol Gibbons  
Aye: Ralph Vigliotti  
Aye: Doug Hertz  
Aye: Sol Gibbons  
Aye: Vice Chairman Sturniolo  
Aye: Chairman Cosentino

John Slaker: Thank you very much.

Austin Cassidy: We cannot emphasize the importance of turning those documents around for staff too look at so we can serve you.

Rich Stavridis: Thank you very much.

**Formal Application**

**Oakwood Cemetery  
Re-Subdivision (Lot Line Change)  
304 Lexington Avenue  
PB2010-9**

**Present: Howard G. Kensing Jr., President, Oakwood Cemetery  
Mark Farrell, Secretary, Oakwood Cemetery**

Chairman Cosentino: This is a lot line change of 25 feet that Oakwood Cemetery wants to sell/give to St. Francis.

Ralph Vigliotti: Are you giving it to them or selling it to them?

Mark Farrell: We are conveying it to them for a price negotiated.

Whitney Singleton: I believe there should be a review of the application to determine it's compliance with Chapter 94 of the code. This should be done by the Building Inspector. I see there is only courses and distances for one property line because it's the only one being modified, but for purposes of filing I don't know if that is sufficient. I would defer to the Building Inspector for review of this. I see there are other aspects of this that are not compliant to code and

it cannot be filed in this condition. There is not even a signature under the year.

Mark Farrell: I see four for courses and distances.

Whitney Singleton: Then you're looking at a different application than I am. I only see one course and distance along the common property line. Normally when you file a subdivision application its for the entire property.

Mark Farrell: That is an extremely expensive proposition.

Anthony Oliveri: That would probably be a requirement of the county.

Whitney Singleton: I've never seen a subdivision filed -----  
-, but then again I give tremendous deference to your surveyor.

Mark Farrell: I think in part it's confusing because under the village regulations it is viewed as a subdivision. Outside of the village it's a lot line change.

Whitney Singleton: Any lot line change under state law is a subdivision. Towns can make it easier or not make it easier for a lot line ----- . Mount Kisco does make it easier. As we previously discussed, I don't think this is a big deal. But, as far as your compliance with the fundamentals for filing and for approval, I would recommend so we don't have a situation like we had the last applicant that everything be evaluated ----- .

Mark Farrell: I appreciate that. With respect to the Oakwood property, we can supply the meets and bounds. I am not sure of St. Francis; I'll have to check with them. Because their ownership, like ours, goes back over 100 years. I don't know what they have.

Whitney Singleton: You can also, if you clearly have a meets and bounds description for both properties, and they have (sic) foddors – and Rob has one too – you can put it in and it will ----- .

Mark Farrell: Thank you.

Ralph Vigliotti: How wide is this?

Mark Farrell: 25 feet.

Ralph Vigliotti: Do you have any idea what their purpose is besides acquiring additional land? Is it going to be a road?

Howard Kensing: It's a sliver for cemetery use. Going back to a little before 1999, St. Francis approached Oakwood and requested permission to put a gate between the two cemeteries. As you know, there is a road that connects the two cemeteries. We said they could do that, and we would like to survey the property line to find out where it should be located. Lo and behold the survey of the property line indicated there were some encumbrances (graves) on Oakwood's property. At that point, we started negotiating with St. Francis to eliminate the encumbrances, and it seemed like the logical way to eliminate the encumbrances was to buy some property. That is how the negotiation started. We have been negotiating with

correspondence back and forth since 1999 with the previous pastor of St. Francis and now Father Steve Clark. We were able to reach a meeting of the minds with Fr. Clark. St. Francis could use some additional cemetery property. It is common knowledge that they are at over capacity at this point. It seemed to make sense that we could eliminate the encumbrances and St. Francis could have a little less than an acre, which is very valuable to them. I can document at least back to 1999.

Mark Farrell: We don't want to speak for St. Francis as to their reasoning, but I think 25 feet allows them the opportunity to utilize it for two rows of graves versus buying seven feet, which won't do much for them.

Whitney Singleton: We don't have a review yet of this. We should have a review. Perhaps if it helps to expedite matters, we should even have a dialogue between the Building Department/Engineering with the applicant and then you could schedule a public hearing for this application and declare your intent to be Lead Agent.

Austin Cassidy: On that line, being that you have the approaching summer schedule of the Board, this also falls under that 15-day notification. That puts you past the June 22 meeting for any possibility of a public hearing. The earliest opportunity, should the Board so desire, would be the July 13<sup>th</sup> meeting for a public hearing. Perhaps you may want to craft somewhat of a timeline with that thought in mind so the applicants start heading in the direction of notification and all of that.

Chairman Cosentino: Providing what counsel went over, I would set the public hearing for July 13.

Austin Cassidy: Is there any purpose served in having this returned to the next agenda at this point?

Mark Farrell: In addition to meets and bounds, I don't know what else you're looking for.

Whitney Singleton: Revision of the proposed plat in compliant fashion. With phone calls and correspondence between the engineer, surveyor, Building Inspector and myself, that should be sufficient, especially giving the limited nature of the modification.

Nanette Bourne: If there is a public hearing on July 13 and a resolution is going to be prepared, do you want one prepared for the 13<sup>th</sup>?

Chairman Cosentino: Only a draft. If it's possible, yes. I have no problem with a lot line change.

Doug Hertz: I don't see any planning issues whatsoever in this, as long as staff says it's compliant with zoning.

Chairman Cosentino: If you want to have the draft on the 13<sup>th</sup>, we can set up the approval for the following meeting.

Whitney Singleton: Not to take up the Board's time, I think Anthony, Austin and myself should schedule a time with Rob Johnson. Please have Rob call my office.

Austin Cassidy: That would make approval on August 24.

Mark Farrell: I will have the surveyor contact Whitney, set up a conference call with your various professionals, and go over the details.

Austin Cassidy: Touch base with our office relative to generating the mailing list.

Mark Farrell: I have not followed the change, if any to the notice. Do you still require return receipts?

Austin Cassidy: Yes.

Mark Farrell: Thank you very much.

Austin Cassidy: As a matter of form, take note that this property fronts on county road, so we would have to give notice to Westchester County Planning Board.

Whitney Singleton: Is this New Castle?

Mark Farrell: No. Our property abuts Metro North. The village's property is between us and New Castle, or the county property. I think the county owns some land behind St. Francis.

Nanette Bourne: County application is something the Building Department handles.

Mark Farrell: Thank you.

**Special Discussion:**

**The Boys and Girls Club  
351 Main Street  
PB2009-08**

**Present: Brian Skanes, Executive Director, Boys & Girls Club of Northern Westchester**

Chairman Cosentino: To provide you with a little background, the Boys & Girls Club had a farmer's market being run internally. It was successful, we never ran into a problem there. In turn, they want to have the Farmer's Market outside. We all received a map, and I could not understand that map. It will be on a larger scale, in a larger area than inside the building itself. Did you draw this map?

Brian Skanes: Yes. It was to show you the difference between the indoor and outdoor.

Chairman Cosentino: You ran this on Saturday?

Brian Skanes: Yes. We've been running it ever since January.

Chairman Cosentino: I was there and didn't see any impact on traffic or cars backed up. I thought it was run very smoothly. It was not an overcrowded situation and there was no traffic build up on the road to the light. I leave you with this thought. Austin, do you find anything in the code specifically that prohibits this?

Austin Cassidy: Yes and no. It doesn't specifically speak to this -----  
----- which is one of the issues. For the Board's information, the Chairman and I had conferred as was allowed in the more recent legislation to allow this to be an indoor event during the winter months insofar it was essentially a wash with lack of use of the gym, so there was no additional parking impacts that would have put this before the Board. In this moving outdoors, it creates a potential, therefore, for each entity and for the staff. It had gotten to the scope, the two of us felt, that needed to be requested of the Board. Also, the fact that it was originally considered a seasonal event, but it's success has taken on the form as a continued year round function on site. Only on a procedure point was it raised how does this relate to the principal use of the site? There is language in the code that speaks to customary and typical uses, accessory and principal use are permitted as accessory uses. So, the represent of the Boys & Girls Club is here tonight to discuss with you why you should consider this to be a customary and typical function of the nature of operation of the Boys & Girls Club. This would be consistent with zoning and not be a problem. It will be continued.

Chairman Cosentino: Will there be a lot of summer functions internally while this is being run outside?

Brian Skanes: We do not open on the weekends during the summer months. As soon as our summer camp starts, we only run Monday – Friday. We are closed Saturdays and Sundays. We want to enter into a long-term relationship with this group. The market isn't that successful right now because it hasn't been around long enough. It is also hard to start a market indoors and then go outdoors. There are a lot of outdoor markets that start up, and they are in competition with ours. We are trying to make this part of our year-round program. It is part of what we do as a club for the kids. Although we are considered a recreational center, we are really more of a youth development organization. We are a licensed childcare facility, and we are providing a nutrition program. As part of the program, the farmer's market is an extension of that. As you know, we opened a full-service kitchen, providing evening meals to the kids Monday through Friday to the kids who come to our school-age childcare program. We have nutritionists who are working with the kids and parents on how to eat well on a small budget. We have our own gardening program where the kids grow vegetables. We have a relationship with the Junior League of Northern Westchester. We have a backpack program where food is given to the kids to bring home for the weekend. We see the market as an extension of that whole program. It is about sustainability, eating well, eating locally. The farmer's market is a way to do that. It's a service to the membership and also the public. In terms of how this would work with the gym, unfortunately it would cut back on our offerings to the kids. The reason why we went with rentals on Saturdays is because we really had to cut down on some of our overhead. We do not plan to program the gymnasium in the winter months. That is why we are looking for ways to utilize the gym. In the fall, when we are back in operation

and we are open on Saturdays for swimming, we plan to put the farmer's market back in on the cold days, but stay outdoors as much as possible. They prefer to be outdoors. They can provide more produce without having to bring it in and out of the gym. We have been co-existing since April. I didn't realize I needed permission to move outdoors. I thought it would be just a formality to allow us to do that because we are already doing it indoors. All through April and May except for the one week we were told not to operate outdoors, we have been co-existing with our swim program and other offerings for the kids and the farmer's market without any problems at all.

Chairman Cosentino: How does the Boys & Girls Club benefit by this?

Brian Skanes: We don't benefit a lot.

Chairman Cosentino: Do you charge?

Brian Skanes: We are getting \$160 per week for rental income, \$8,000 per year. It's not a big rental income for us, but it's a service to the members and the community and part of the whole curriculum that we are trying to present to the children.

Chairman Cosentino: I think it is good for the village. All municipalities are using farmer's markets now.

Brian Skanes: I know there are others in the village. It is good for the community. We are not part of any others in the village.

Whitney Singleton: As Austin previously identified, you are utilizing required off-street parking. Based upon the Chairman's observations, that does not present a problem. I would put a condition in the approval that in the event that there is institution parking per the aggregation of all the different activities going on, that the site be subject to relocation where there are more parking spaces. It allows you to play it by ear. The only other thing I would comment on, which is something we discussed the other day is whether there will be amplified music. Solely because of the proximity of the residential neighborhood.

Brian Skanes: We can tell them that they can't use it, but it's very small. It is a man out the back of his truck.

Chairman Cosentino: Regardless. There are a couple of houses there.

Nanette Bourne: It is common and desirable and a good part of the community. From a planning perspective, you want to make sure it doesn't alter traffic, there is adequate parking; it doesn't disturb residents and businesses and not excessive noise and lighting. Other than that, it is a good thing for the community to have.

Doug Hertz: I have been to some of the fund-raiser dinners they have had recently. Their motto for that is "sustain." They are looking to give healthy food to the kids. The new kitchen is great. This is absolutely an extension of their program requirements.

Chairman Cosentino: The Board has spoken, and I saw no problems. Austin, where do we go from here?

Austin Cassidy: This is a special discussion. Clearly the Board is comfortable that it is fostering typical to the principal use. You have identified concerns. Should this continue on the path of success, and we all hope it does, to a point where there is traffic, noise or any other impacts; we do have to address that at that point. I have no further issues with it.

Chairman Cosentino: Because this is not a site plan change, we have to make some conditions, regardless.

Whitney Singleton: The auspices under which it was coming in was whether or not it is a typical and appropriate accessory use of the site, so long as it doesn't exceed what is represented. That would be an appropriate and accessory use.

Chairman Cosentino: We should have a paper trail on that.

Austin Cassidy: I will generate something in conjunction with the applicant and get it to your record for memorialization.

Whitney Singleton: You will attach the plan that Mr. Skanes has provided to correspond with this, so we know where it was identified.

Vice Chairman Sturniolo: About five minutes ago the Building Inspector discussed a conversation that he had with the Chairman about this ongoing farmer's market. I support this concept 100 percent. The Building Inspector then further stated that under the new legislation this was allowed. My question is, Whitney, under this new legislation of the conference between the Building Inspector and the Chairman in all deference to the Chairman, shouldn't there have been a memo generated that this conference took place so the Planning Board members knew what was going on?

Whitney Singleton: To the extent that there is a change of use under Section 110-33, there is a requirement that when one ----- approach (sic) change of use or the initiation of a new use, ----- of the use, that the Building Inspector and the Planning Board Chairman are to confer. If there seems to be no impact, then it can be authorized directly by the Building Inspector and the memo is supposed to be generated to the Planning Board for information purposes only. I don't know whether you consider this to be a change of use, or if the Building Inspector recommends under the auspices of an accessory use.

Vice Chairman Sturniolo: Have we had memos in the past addressing the question that I just raised regarding other applicants?

Whitney Singleton: I don't recall since the adoption of the legislation. There have been certain things that have been referred to the Planning Board. If there is a change of use, and the Planning Board Chairman in consultation with the Building Inspector authorizes it to move forward, there is supposed to be a memo generated to the Board under the correspondence section. I don't know if there has been any since the adoption of the legislation.

Austin Cassidy: I don't think there has been anything of substance that has merited that yet. I think it has all been minutia issues to date.

Vice Chairman Sturniolo: As I said, in deference to you, I am a stickler on procedure.

Austin Cassidy: It was not a change of use. There was certainly a change in the modality of operation there and that is why it is here. Instead of getting a memo, you are getting it live and in person.

Chairman Cosentino: Actually it is on a trial basis. If it is going to generate traffic, we are going to have to eliminate it.

Austin Cassidy: It was also regarded more as an event, a seasonal event. It has now taken on the life of being an ongoing function. That is why it's here.

Vice Chairman Sturniolo: As I said, Brian, I am with you 100 percent on the concept. I am concerned about procedure, which is not your issue.

Chairman Cosentino: There is a dental van there.

Austin Cassidy: It is in the media that there is a feature of a community service that is being offered at the site.

Brian Skanes: There is one of two sites. It is at Neighbor's Link once a week and our place once a week. It is stored in our parking lot. The same day I wrote a letter about the Farmer's Market, I wrote a letter about the dental van. I did not receive any official response.

Chairman Cosentino: That is a Building Department issue.

*At this point, Chairman Cosentino advised Mr. Skarnes to keep in touch with Mr. Cassidy as this procedure moves on.*

**Continuing Review:**

**CVS  
10 South Bedford Road  
421 Main Street  
PB2008-17**

Present: Shannon K. Rutherford, P.E., Senior Project Manager,  
Vanasse Hangen Brustlin, Inc., Middletown, Connecticut

Chairman Cosentino: Thank you for waiting, Shannon. Welcome back, we missed you.

Austin Cassidy: The Board is a little confused on the drawings that have already been delivered.

Chairman Cosentino: I will address that now. I met with Rick Dube(VP ) at this table with Patti Tipa and Nancy Placona. I think we came to terms at the end of the meeting. I asked for everything that we had when we parted. He said he didn't know about any of it but will check into it. I maybe said it five times. I am only asking for what was presented to us and was going to be given to us. I spoke to him on the telephone five or six times and repeated that. If there is anything less than we were promised, I take umbrage to it. There, I'll let you take over.



Shannon Rutherford: What is our base standpoint? Mr. Dube's understanding is that we are going back to September 2009. Respectfully, we've been back and forth a number of times. Mr. Dube isn't involved in the day-to-day of this application.

Austin Cassidy: All I have is what was electronically transmitted to our office today. Do you have that with you?

Shannon Rutherford: I have the landscape plan from September 2009 and the update that Mr. Dube allowed me to do for this evening, which is this presentation board that shows more landscaping on the plan than what was presented in the application, which is dated June 8, 2010.

Austin Cassidy: The Board has not seen that.

Shannon Rutherford: Understood. I have 11 x 17's for each of you.

Chairman Cosentino: I spoke to him last week and he said he would send something else. Nanette, I wanted you to compare what is being presented tonight.

Nanette Bourne: Without getting messed up with dates, there are two important dates to compare. Shannon can probably add the specific dates, but the last time the applicant was before you, the applicant provided a much scaled down plan that generated a lot of concern that a lot of the site improvements had been eliminated. That plan was in comparison with the previous time the applicant was before the Board, but there were substantial site improvements. There was a considerable amount of discussion concerning the building and architectural features of the building. The September plan that Shannon is referring to is the last plan, or the plan that came before it?

Shannon Rutherford: I have it here. I can hand it out. I don't want to confuse everyone. The only difference is the date at the bottom.

Nanette Bourne: Is it the last plan?

Shannon Rutherford: Although I prepared the plan, obviously, for September, I believe that was the plan that Attorney Null appeared with. Then there was the one we had in July.

Nanette Bourne: So this is actually the last plan that you saw?

Shannon Rutherford: Then there was the one we had in July, when we had the work session. We then go back to February 2009 when we pretty much stopped the formal process at that point. We cannot provide that.

Chairman Cosentino: Then there is no use us talking. We presented Rick Dube with a plan that was presented to us the night that we then, unfortunately, asked for brick on the side of the building. That is what stopped the negotiations. CVS walked away and never came back again. That is the plan that I'm looking for. Do you have that plan?

Shannon Rutherford: I understand what you're saying. I don't have it with me this evening, nor am I authorized to present that plan. From a landscaping standpoint, I think you will find that it is similar. Now that CVS has been opened for some time, they no longer plan to have a rear entrance which really drove a lot of this and some of the site improvements that were being discussed at that time. When we take out the rear entrance – because the Operations group at CVS no longer wants that amenity for the building – it also then removes the crosswalk, it removes the re-grading at the back of the store, it removes the addition of ADA spaces at the back of the store. With us not doing that, it also removed the need to upgrade any changes to the drainage system.

Chairman Cosentino: He felt the drainage system was the owner's obligation to do that.

Nanette Bourne: If you look at this plan, this will show you the differences. This is a slightly earlier version but not that much difference. It shows you that starting from here, the proposal was to re-align the driveway.

Shannon Rutherford: This plan actually shows the driveway not being re-aligned, but we did talk about squaring it up at one time. The concern is, as we start to square it up, then it trips us into DOT permitting.

Chairman Cosentino: I think we eliminated that before.

Nanette Bourne: This landscaping already exists. They were going to add some landscaping, these are not included.

Shannon Rutherford: There has been a slight modification. I have spoken to Mr. Dube over the last two days. This will be re-planted. This was not even shown as being re-planted on the submission that was made on May 18. I have been authorized to go ahead and show it being re-planted, similar to what was shown there. Actually, this whole area now is going to be replanted, coming all the way down. We've added some landscaping here, but rather than reducing the five parking spaces we are going to maintain seven.

Nanette Bourne: They have maintained the landscape enhancement but not to the extent that it had been.

Shannon Rutherford: This island is back in. That is different from the May 18 plan. This island is added back in. There is a bituminous area here, it's just an island filled with concrete right now – that landscaping has been added back in.

Nanette Bourne: One of these is not in?

Shannon Rutherford: This one. This one is different now. It's just a different configuration so that we don't lose as many parking spaces.

Chairman Cosentino: But I do see some landscaping in the back here.

Shannon Rutherford: There is some landscaping in the back. The change here is that we had at one point looked at going one way to a

travel pattern to the south, which required then all new curbing. It would have required some re-grading and obviously the change in the travel pattern that would have prohibited any vehicle entering from East Main Street to come up into this area. We brought this portion of the two-way travel pattern. Mr. Dube has authorized me to replant both existing beds there, which I am doing.

Nanette Bourne: This is similar to what they had before, not as large but conceptually the same.

Shannon Rutherford: At the rear of the building, we had at one point the refuse enclosures; they are now on the opposite site. Since we don't have the rear entryway, we've pulled them back up and tucked them up against the building. They will be enclosed with a chain link fence with privacy slats.

Vice Chairman Sturniolo: Any enclosure has to match the façade of the building.

Shannon Rutherford: We're respectfully asking to not have to do that if we can use the chain link enclosure with the privacy slats. That would be the preference given in that they have been brought right up against the building.

Chairman Cosentino: What is the code?

Austin Cassidy: There is no code. There was a proposed model. It is a technical thing.

Nanette Bourne: But it is what you have been requesting.

Chairman Cosentino: When it was on the main road. This is behind the building, which you cannot see from the main road.

Shannon Rutherford: The intent is for it to be tucked up, and also the point of adding in the landscape screening here. In addition to having the privacy slats, these are evergreen trees, white pine or white spruce that we are proposing here. We are certainly agreeable to discuss species of trees to provide the appropriate landscape buffer. There are a number of things we can do to further screen that as needed. We would certainly be willing to discuss that. The balance of the landscaping that takes place down here does not change. These are existing landscape islands. There are quite large evergreen shrubs that are there now; those will be removed and these plantings will be placed in. I could go through the chart.

Chairman Cosentino: Mr. Dube told me they will replace the railing.

Shannon Rutherford: Yes, sir. The railing will be replaced. It will be the same railing that was presented, four-foot black ionized aluminum, same detail as provided February 2009.

Doug Hertz: Are you keeping the drive-thru?

Shannon Rutherford: Yes. That is so the intent is to not bring all of that at this point in time.

Chairman Cosentino: That is for the bank.

Shannon Rutherford: There is a discrepancy on the elevations. I apologize for that. The elevations show the drive-thru having been removed, but the intent is to not remove it at this point in time. They will paint that side of the building, so that the building has a uniform appearance, and any repairs that need to be made to that side of the building will certainly be made. I do have elevations with me this evening, and those are the same elevations that had been presented to you.

Chairman Cosentino: The façade of the building stays the same as the Architectural Review Board approved it?

Shannon Rutherford: Mr. Cosentino, I apologize, but again, because of the number of iterations, what I have is elevations from February 2009.

Chairman Cosentino: Were they the ones that the Architectural Review Board approved?

Nanette Bourne: The ARB did not approve them. They withdrew from the ARB before. This was in the direction of where they were going, and they were in the process.

Chairman Cosentino: They still have to go before the ARB then.

Shannon Rutherford: Correct. We did have an approval, I believe at one point, and then this Board had additional items, and we ended up back in front of ARB at that point in time, as far as sequencing of events goes. At this point, my understanding that the items from a site plan standpoint be discussed this evening. I can discuss the elevations that were presented as part of the package. We are going to be submitting an application.

Chairman Cosentino: This is almost what we had.

Nanette Bourne: It is definitely a reflection. It is not as far, but it is very much in the direction of the landscaping and enhancements that were originally proposed.

Chairman Cosentino: I didn't see this.

Shannon Rutherford: I understand, and that is what I was originally directed to submit.

Chairman Cosentino: Originally I thought we were going back to not this one but the one that was presented where we had a meeting here. Then, talking to Rick, he promised to send me this. But I didn't see this.

Shannon Rutherford: It was just finished last night.

Chairman Cosentino: I apologize for getting upset, but when I'm promised something; I like it to be delivered.

Shannon Rutherford: And my concern, you've got to understand, having not been part of these conversations – I am not speaking directly to you, nor am I speaking directly to Mr. Dube most times.

Vice Chairman Sturniolo: Where is the snow storage area?

Shannon Rutherford: We are over parked, so from a snow storage standpoint we can utilize the perimeter. There is an area here that can be utilized, and we can utilize this perimeter. There is snow storage availability here. These are lower lying plants, day lilies. They die off in the fall and that area can be used as snow storage. That has not changed from the last plan. Snow storage really should not be an issue there. Obviously if we get a large storm, and there is a problem with capacity and parking and circulation, then they truck the snow off-site.

Doug Hertz: This little corner has a designation, but I cannot read it on the plan.

Shannon Rutherford: It's striped out as a no-parking area. The -----  
----- connections are there for the building.

Nanette Bourne: Lighting?

Shannon Rutherford: There will be no changes to the lighting.

Doug Hertz: Now that you're not re-doing the building for a rear entry, you have no parking in the northwest corner of the building abutting the turn in the road. Why couldn't this area be closed off and landscaped?

Shannon Rutherford: There are two items with respect to that. One is full circulation for an emergency vehicle, the second would be based on traffic patterns and traffic demands, if there is a customer to the south of the site, then we are forcing them to have to come out, make a left turn here, make the left turn at the light and then head down as opposed to utilizing this entrance.

Doug Hertz: You have circulation through because you are no longer making a high foot traffic area.

Shannon Rutherford: Correct.

Doug Hertz: That would suggest not wanting to force traffic through there. As you are no longer re-designating this as a high foot traffic area, you wouldn't use any parking. Virtually any building that I can think of in the village does not have full access in every corner. This would still give you 95 percent access to every inch of the building for emergency services. I am not convinced you can get a fire truck through there anyway. It would seem to me you would be doing very little. It may be able to beautify the site in a significant way, not lose a single parking spot and not have any negative impact on the traffic circulation. This is already a very compromised corner with regards to traffic circulation.

Shannon Rutherford: I understand what you are saying. I don't necessarily agree. I know CVS likes to try to maintain a full circulation around their buildings for accessibility, delivery vehicles and a variety of reasons. A number of reasons come up as to why it's beneficial to have the full circulation around the building. Potentially I'd have to take a look at the grading and drainage pattern at the front corner to

see what direction that is falling and where that water is going so we're not creating a dam and that it can still meet the catch basins and drain pipes. It also then creates a dead-end parking situation. It is not quite as bad here, because it already had this loop, but in this situation it does create a dead-end parking situation. If someone were to come up and hope to park in here and not be able to then they are in a situation of, in essence, making a three-point turn to turn around.

Doug Hertz: We are looking at a situation where people are going to backing out into this traffic lane, which could be potentially tough anyway. It might be a safer way to back out, but, yes, it does create a "little zone."

Shannon Rutherford: I could create some difficulties there as well.

Doug Hertz: I don't mean to belabor this whole process, but it seems to me that there is an opportunity there.

Chairman Cosentino: In all due respect, Mr. Hertz, I like the circulation around there. I'm being selfish because I live on the other side.

Ralph Vigliotti: Is that one-way right now on the west side?

Shannon Rutherford: Technically at the corner it is a one-way to the back of the building. This parking here operates as a two-way.

Chairman Cosentino: Is it wide enough for a two-way?

Austin Cassidy: No. It's been a one-way connection for several decades.

Chairman Cosentino: So it can't be two ways anyway.

Shannon Rutherford: Not at that corner.

Chairman Cosentino: So you are not going to have two ways there?

Shannon Rutherford: No.

Chairman Cosentino: I thought you said it was going to be two-way.

Shannon Rutherford: It's two way here from a parking standpoint. This provides just counterclockwise circulation.

Doug Hertz: It's already one-way in regards to traffic circulation. It doesn't change the parking image if you're already paying attention to the dead end for parking, so there is no change.

Shannon Rutherford: You're right.

Chairman Cosentino: I'm confused on something. It's going to be two-way?

Shannon Rutherford: This operates as two-way in there and this is one-way and has been for a number of years. How it functions from a practical standpoint, I am not there everyday, I don't know.

Austin Cassidy: The parking module is two-way on the west side of the building. The interconnect in the front is one-way heading south.

Ralph Vigliotti: It seems to work.

Shannon Rutherford: My understanding is that there has not been an issue from CVS's standpoint.

Chairman Cosentino: How does the board feel about this?

Vice Chairman Sturniolo: Is the lighting plan going to conform to the newly proposed lighting standards of Mount Kisco?

Shannon Rutherford: The intent is to leave the existing lights in place.

Vice Chairman Sturniolo: So it is not going to conform.

Shannon Rutherford: Not specifically. My guess is most likely not, but I don't have an ability to do a photometric plan of the existing lighting.

Ralph Vigliotti: I think we'll need to see the photometric. There are spots that are very, very dark in the lot. We need to see it for more safety than anything else. The lighting is one of the bigger issues.

Doug Hertz: Isn't there a sunset clause or a schedule for termination of non-conforming lighting, as with signage?

Nanette Bourne: I don't have the lighting plan in front of me. It's a guideline. No one has come before you and has not met the guideline requirements, so we have not had to deal with the sunset, but it has not been adopted yet.

Ralph Vigliotti: It would be good to see what the original lighting is on site. I use that facility a lot and there are dark spots. It abuts the park.

Shannon Rutherford: I understand towards the back was relatively dark.

Chairman Cosentino: It is definitely a safety issue.

Nanette Bourne: When you bring back a more detailed plan, there will be additional details concerning the landscaping.

Shannon Rutherford: I can provide a full landscape plan. When I submitted in May, that was not what I was authorized to do. This has been generated over the last two days. In essence, this planting plan, which will be formalized on a CAD drawing does reflect what is on this color graphic Board. It will be formalized in a plan for you. I believe there will be some planting details on the sheet we were provided, just because we were providing some planting here in that corner. The planting details on the submission would still apply.

Nanette Bourne: One item was discussed and was going to be a partnership with the village; replacing the retaining wall and the wrought iron. This creates a gateway to the village. We discussed with the Village Manager and Mr. Dube the possibility that the village can contribute from their tree planting fund additional street trees. I

would recommend that someone discuss with the Village Manager or whoever is coordinating the village's tree planting program whether or not we can still obtain those trees.

Austin Cassidy: Would you like a communication generated to the manager in that regard?

Nanette Bourne: Yes.

Shannon Rutherford: There may be DOT implications with that.

Nanette Bourne: There may be some DOT issues, but it's important that we at least find out how we can improve that edge for the village gateway. Street trees are permissible by the DOT. We are not asking the applicant to provide them. We are hoping there are resources that are part of the village's tree planting plan that can be utilized here, so that the entire picture of this site is really an improvement, not only for CVS, but for the village.

Chairman Cosentino: I agree.

Shannon Rutherford: The intent would be then that the trees would be funded through the village's fund for those tree plantings.

Nanette Bourne: In the village right-of-way.

Shannon Rutherford: There are some tree wells but they are vacant.

Nanette Bourne: It has to be coordinated with CVS if you want it done at the same time.

Austin Cassidy: What are the parameters?

Nanette Bourne: I think the availability of any trees and any resources. If there are trees available, then we need to go out with tree coordinator.

Shannon Rutherford: So there really is no CVS involvement?

Nanette Bourne: Just coordination.

Chairman Cosentino: When you are doing your new fence and plantings, it should be done simultaneously.

Nanette Bourne: What would you like to see with regards to the enclosure? Shannon has mentioned that the enclosure she is providing is a departure from the kind of trash enclosure that you have been requiring, but they are enhancing the edge of it with landscaping. I am assuming that at a minimum you want to see some details of what that would look like.

Chairman Cosentino: Yes.

Shannon Rutherford: There is a black and white detail that was provided as part of the plans, and it shows here on the elevations from an enclosure standpoint. I can do a color version of it. I would suggest the white privacy slats or a color that will blend with the building rather than the green.



Anthony Oliveri: We have a guideline for trash enclosures, which is concrete block. What are you proposing?

Shannon Rutherford: Chain link fence with privacy slats. We brought it up against the building and it is going to be screened with landscaping from the East Main Street entrance.

Ralph Vigliotti: The privacy slats never seem to work. Concrete block is what works.

Anthony Oliveri: The sidewalls need to be concrete block and the front gates. The sidewalls would have to match the finish of the main structure.

Vice Chairman Sturniolo: Also to be taken into consideration is the recycling issue that Westchester County may impose. That is going to create a larger footprint.

Anthony Oliveri: That is included in the guideline. Obviously provide enough space for all your recycling needs that the county requires. Also, the striping parking is not being altered?

Shannon Rutherford: It will be the same striping plan.

Anthony Oliveri: Do you know if the parking has any dimensional issues with regard to the code? Aisle widths?

Shannon Rutherford: I don't believe so. As we progressed through the various iterations of this plan, I believe we looked into that. Even the final iteration in February 2009 showed the parking pattern never altered.

Chairman Cosentino: The parking stalls are going to be according to village standards.

Shannon Rutherford: I believe so. I do not know the dimensions off-hand.

Austin Cassidy: You are saying that they comply with the last site plan of record?

Shannon Rutherford: Correct.

Anthony Oliveri: Obviously with your new site plan you will dimension those stalls and what they are going to come back as.

Shannon Rutherford: Yes, I can dimension the stalls.

Anthony Oliveri: You will submit a layout plan and grading plan.

Doug Hertz: Your parking summary chart does give compliant spaces and says required and provided. I am assuming that is true.

Nanette Bourne: Are you providing any cart corrals anywhere?

Shannon Rutherford: We are not proposing to remove the existing cart corrals. Most of the items are hand carried out, so there is not a propensity for shopping carts to be in the parking lot as other stores.

Vice Chairman Sturniolo: Who is the best person for Shannon to contact to get a copy of the dumpster enclosure guidelines?

Anthony Oliveri: It is available downstairs in the Engineering Department, and I can get you a copy.

Shannon Rutherford: Thank you. I think I may have it at one point when we were specifically proposing that enclosure. Again, I have been directed to provide the enclosure that is shown on the plans. Specifically, the whole reason this came about was because of budgetary concerns with respect to what can be provided on this plan? This is the plan that they can afford, and now we've added lights, dumpster enclosures and possibly looking into some grading and drainage items. That is not what they are anticipating having to do. The intent was to try and come back with the landscaping amenities, improve the façade and retaining wall, improve the railing, some modifications to the façade of the building to provide a uniform appearance. That was the intent.

Chairman Cosentino: I agree.

Shannon Rutherford: I am respectfully listening and making the notes, but please understand there is a reason why there has been a hiatus for over a year. I want to make that clear so there is no misunderstanding.

Anthony Oliveri: Anyone who changes their dumpster enclosure to a new location has to provide that standard to the village.

Shannon Rutherford: Again, it's also been clarified that standard is the guideline.

Chairman Cosentino: I understand where you are coming from. Rick has to understand one thing. The code is the code. We cannot break the code for CVS or anyone else. We cannot bend the rules on the code.

Shannon Rutherford: I understand. It has been stated, I believe, twice this evening that the dumpster is not required by code. It is a guideline.

Chairman Cosentino: Is it mandatory that they have to do it?

Anthony Oliveri: I believe every applicant has done it. It's a guideline.

Austin Cassidy: There is a generic reference in the code to the Planning Board reviewing different functional and physical aspects of the site plan, so that gives you latitude. You've been following a typical plan. You won't find it anywhere in the code, but it is nonetheless typical for the Board to follow.

Chairman Cosentino: Most people have been good neighbors and done that.

Shannon Rutherford: I understand, and I will. I am here representing CVS and I'm obligated to report this back and will. We won't get anywhere if I don't. They are going to turn to me and say, "is it required?" I will explain that while it is not specifically in the code, it is a guideline that is referenced and all the applicants that come before you do provide it, but no, it is not specifically in the code. They will have to make the business decision.

Nanette Bourne: When you provide the details of the retaining wall, there was some discussion on how it's going to be based.

Shannon Rutherford: We are proposing a re-finish with a stucco finish on the retaining wall on the face and the top and then anchoring the new railing along the top.

Nanette Bourne: So you are proposing to improve it?

Shannon Rutherford: Yes. We are going to re-finish it, and that is specifically noted on the site plan. The fencing details are shown in black and white on the site plan that was provided. I can provide a color. I wanted to run through procedurally what is next. We are preparing an application to go before ARB specifically for the signage. I also understand I have to be referred to ARB for these elevations for the building. It is two separate matters that can be handled at the same time. The sign application we are anticipating being denied and having to go to the ZBA. Rick knows that, and I have reinforced that to the sign consultant. We will go to ZBA and let the chips fall where they may there, go back to ARB to finish out the signage and elevations and then come back before this Board.

Chairman Cosentino: Before you come back to this Board, make sure Nanette has all the information we looked at so we are all prepared. Let Nanette clear the road.

Shannon Rutherford: I will include Nancy in my dialogue with Nanette so she can include the Board as well.

Nanette Bourne: The two significant items for discussion are the trash enclosure and the lighting.

Chairman Cosentino: The lighting is dangerous. A lot of people shop there late at night.

Shannon Rutherford: The front parking area seems to be fairly well-lit. The back is the main concern?

Chairman Cosentino: Yes. Right now people park their cars there from the hospital and walk across. I guess they are allowing them to use the lot for awhile during construction.

Austin Cassidy: That practice was terminated at our request.

Vice Chairman Sturniolo: On the western side, it is over-lit.

Shannon Rutherford: I will discuss this with them.

Doug Hertz: I remember a number of cut sheets that were presented to us on different fences on the railing on the wall. My recollection is what we were presented were significantly more decorative.

Shannon Rutherford: That is just a black and white representation. The color image that was provided and was shown in the rendering is what we are intending to use. It is spec-rail, and we picked out a specific model.

Doug Hertz: What is the difference between Option One and Option Two?

Shannon Rutherford: There is a slight difference in the architectural treatment with the back of the building where the additional sign is proposed. The three sides will be patched, repaired, cleaned and re-painted in the existing color, and the colors will match the siding. With the siding there is brown, white, champagne and wheat. There is a theme for the front. The columns are white and the champagne and wheat color will be picked up in the painting on the side of the building.

Doug Hertz: So there was nothing for us on the option/non option from a site plan standpoint.

Shannon Rutherford: No. Thank you very much.

**Correspondence:**

- Minutes of the Mount Kisco Beautification Committee
- Memorandum from the Mount Kisco Planning Board to the Mount Kisco Village Board dated May 26, 2010 re Comments and Review of the Re-zoning Petition Referral – Smilkstein, 330/340 Spring Street

There being no further business by the Planning Board, on a motion by Mr. Vigliotti seconded by Mr. Hertz, the meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Stanley Bernstein  
Recording Secretary

dm

