

Minutes
Meeting of the Planning Board
Work Session
Village/Town of Mount Kisco
Tuesday, June 22, 2010

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

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

Members Absent: **Chairman Joseph Cosentino**
 Joseph Morreale

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

Minutes:

May 25, 2010

No Quorum, Placed on next agenda

Final Action:

- a. **BMW of Mt. Kisco – 250 Kisco Ave – PB2009-16**
Applicant chose to not attend since there was not a full board.

- b. **Diamond Properties – 333 N. Bedford Rd – (MAC – PB2010-5) and (Mt. Kisco Sports Arena) – PB2008-16**
Lester Steinman, council for the Village of Mt Kisco
David Stolman, AICP, PP, representing the Village of Mt. Kisco

Jim Diamond, Property Owner,
Michael Gallin, Architect
Rick Busman, and Dave Abstract

Vice Chairman Sturniolo: Welcome to the Mt. Kisco Planning Board. The first item of business are the minutes of May 25th 2010 and we do not have the necessary quorum for that so we will hold those minutes over until the next Planning Board meeting. We are going to take a few items out of sequence. The first two items are going to be Diamond Property at 333 N. Bedford Rd, including Mt Kisco Athletic Club and the Mt. Kisco Sports Arena and we have a final resolution and a negative declaration and a final resolution for an amended site plan along with a cover letter from Michael Gallin who is the architect for the project and the parking analysis as well. Gentlemen when you are ready.

Michael Gallin: We do not have any new material submitted for discussion but we are certainly available to answer questions regarding the previous submissions.

Vice Chairman Sturniolo: David would you and Les kindly go through a brief overview of where we are and how we got to this point tonight.

Lester Steinman: The previous meeting the public hearing on the two applications before you. The amended site plan application and the amended special permit application. The public hearing was closed at that time. We then reviewed a draft resolution. Tonight we have a final resolution of the special permit and then the amended site plan approval. There is one piece of material that we are waiting for and that is the parking analysis.

Vice Chairman Sturniolo: The first item we should look at and address is the neg dec and the notice of determination of non-significance. My fellow board members it is kind of half way through the package and I will wait until everybody gets to it.

David Stolman: It is just to the back of the resolution of amended special permit.

Vice Chairman Sturniolo: Basically what this document does is list several actions that do not have a significant adverse environmental impact or any non threatening or any non endangered species and that refers to animals, plant life us under that. It talks about transportation and the community sources and fuel and energy supplies. It discusses objectionable odors and noises, public health and safety and the existing character of the community.

David Stolman: While you are getting ready to support this determination, there are two key items and then we have to preclude them as you mentioned before and the two key items where you have mentioned before . Number 1: A traffic analysis has been conducted for the proposed action and it has been determined that the proposed action will not cause the previously approved trip generations of 450 to exceed, and number two: all the other environmental issues awaiting the development of the site, have previously been analyzed and the Planning Board has issued a negative declaration regarding----- . This is really an incremental change in the project. There has been quite a bit of environmental analysis before and this rests on the shoulder of previous environmental work that has been done. Then we have the conclusion which you had mentioned previously.

Vice Chairman Sturniolo: Really the key to it is the cap of 450 because everything else as you just stated has been addressed. Do my fellow Planning Board members have any comment on this document? If not I would entertain a motion to accept the negative dec as the notice of determination of non significance for the project at 333 N. Bedford Rd and its PIB2008-16. There is a motion Stanley Bernstein, and Second by Sol Gibbons.

Stanly Bernstein: Motion

Sol Gibbons: Second

Stanley Bernstein: Aye, on the motion

Sol Gibbons: Aye, on the second.

Ralph Vigliotti: Aye.

Vice Chairman Sturniolo: Aye.

Doug Hertz: Abstained

Board All Ayes.

Vice Chairman Sturniolo: That being done, David should we just go back a few pages to the Amended Special Permit?

David Stolman: Yes.

Vice Chairman Sturniolo: We have received a letter from Fredrick P. Clark Assoc. regarding the resolution of Special Permit Approval. Along with the Negative Dec. that we just voted on. There are some changes made with double underlining and strike outs and the document is the resolution of Amended Special Permit approval for Mt. Kisco Athletic Club Diamond Properties 333 N. Bedford Rd. It goes on with nine pages.

David Stolman: It is dated June 15, 2010.

Vice Chairman Sturniolo: There is one thing I would like to highlight that we are obligated to contact the Westchester County Planning Department. Their response in this matter in this action that the local determination is in accord with the community planning and zoning policies and therefore they have no comment regarding this resolution. We were obligated by the law to ask the county for their comments.

David Stolman: The only significant change is on page 7 and this is really something that I should have had corrected in the first version. This total occupancy...

Vice Chairman Sturniolo: Is that under "B"?

David Stolman: That is correct. The proposal had been is to push that number from 250 to 275. The last version of this should have had 275.

Vice Chairman Sturniolo: That being the only other change and what we previously discussed. My fellow planning board members any comment or discussion on this particular document? If there is no discussion I would entertain a motion for the Resolution of Amendment Special Permit approval for the Mt. Kisco Athletic Club Diamond Properties at 333 N. Bedford Rd. Not hearing anything

Stanley Bernstein: I don't have anything on this but I will on the next application. For now I think it covers all the bases I am and pretty much ok with it. I must say, Jim Diamond, I am pleased as to what you have done so far. Even I very often have little problem with Dr. Collin's very rosy predictions of what is going to happen to traffic and I find them too rosy. I will accept them in light of the 450 increase. I find nothing here that is insurmountable or bad so I will make the motion.

Vice Chairman Sturniolo: Is there a second

Sol Gibbons: Second.

Ralph Vigliotti: Just a statement before I vote on this. We seem to be noticing the cumulative effect to the use of the property in parking and while I may be in favor of this I am going to be very careful on whatever cumulative effect as to what is placed on this property, without actually seeing what the current effect will be on this resolution. I will move ahead on the current resolution and vote Aye.

Vice Chairman Sturniolo: Aye.

Board All Ayes.

Stanley Bernstein: Aye, on the motion

Sol Gibbons: Aye, on the second

Ralph Vigliotti: Aye

Vice Chairman Sturniolo: Aye.

Doug Hertz: Abstained

Vice Chairman Sturniolo: The last item on this subject is the Final Resolution of amended site plan

Final Action:

- a. Diamond Properties 333 N. Bedford Rd – (MAC – PB2010-5) ND (Mt. Kisco Sports Arena) – PB2008-16**

Vice Chairman Sturniolo: Dated June 15th as well.

David Stolman: There is a letter referral to the county. There was one referral for the two items. The change was exactly the same as the last resolution. With that the county stated it is a matter of local determination in accordance with the community. The blank in the middle of that page just insert today's date. With regards to negative declaration which the Planning Board did earlier this evening. Those are the only changes.

Vice Chairman Sturniolo: Are there any comments on the resolution of amended site plan approval? Hearing nothing I would entertain a motion to accept the resolution of amended site plan approval for Mt. Kisco Athletic Club and Mt. Kisco Sports Arena Diamond Properties.

Ralph Vigliotti: So Moved.

Stanley Bernstein: Second.

Sol Gibbons: Aye.

Vice Chairman Sturniolo:

Board All Ayes

Ralph Vigliotti: Aye, on the motion

Stanley Bernstein: Aye, on the second

Sol Gibbons: Aye.

Vice Chairman Sturniolo: Aye.

Vice Chairman Sturniolo: Thank you. The next item on the agenda is Diamond Property as well 333 N Bedford Rd

Formal Application:

- a. Diamond Properties (GPNY – Bowling) – 333 N. Bedford Rd. PB2010-10 – Special Use Permit – Amend Site Plan**

**David Steinmetz, council for the applicant
Jim Diamond – Property owner
Michael Gallin: Architect**

**Doug Hertz – abstained.
Whitney Singleton back in for the Village.**

David Steinmetz: Good evening Mr. Chairman and members of the board. If you recall we appeared before your board formally filing petition for a text amendment. We have subsequentially filed for a text amendment consistent with what we discussed with you with some changes that we actually made. In addition we filed systematically for a modification of the site plan and the special permit to address the proposed bowling or the use of bowling. (lanes of bowling would be inside of GPNY), and tonight we wanted to move forward and we were before the Board of trustees last week. We explained the basics of our proposed text amendment and engaged in a discussion with the Trustees. The Trustees indicated to us that they did not wish to serve as the Lead Agency because of SEQRA. After a through discussion of the language of the text amendment they did refer us to your board to begin processing the application. Having a through examination of any environmental issues and to look at the site plan and permit issues. I would also mention last week your outside consultants from Fredrick P. Clark, Mr. Stolman and his traffic partner, Mr. Grant met with Dr. Collins and I think reached an understanding of the appropriate methodology that we are going to need to assemble and get to you relevant to the traffic and parking. We submitted to you site plan application and a request for an amendment of the special permit, proposed text amendment and an environmental assessment form. The traffic will be submitted subsequently. I would like to remind your board that we talked about review with the trustees. We are not seeking to change or deviate from the limitation that you have in your Special Permit with the 450 vehicular trips. So we know we need to prove our numbers for the bowling. Mr. Gallin and Mr. Diamond can address the intended operational use of the bowling alley inside GPNY, which we think will be a wonderful addition to the facility and a wonderful benefit to the community. The text amendment as I discussed with you at length last time, and this came from your board months ago where there was discussion whether or not it made sense to have GPNY operating as membership club and have every other leisure time and reference coming in and operating as a membership club. We believe what we have filed with the Trustees and with you is really a clarifier. We are seeking to clarify the Zoning Ordinance and make it a little more sensible and to permit the bowling as a leisure time and recreation use, which is a special permit use. I don't think that there is nothing we have done to the code or recommend to enter into the code that would create any new principal permitted uses. In fact we have suggested that you eliminate one of the most noxious principal uses in the ML zone right now and that is a laundry and dry cleaning facility. That being the preamble, I would love to let Mike Gallin walk you through the changes to the site or the proposed in conjunction with the...

Vice Chairman Sturniolo: Michael before do that I would like to ask a question David, going back to the elimination of the dry cleaning as a noxious use, are you and Jim receptive to adding another subject to that list of eliminating another use that is currently permitted? Such as a big box store, like a Home Depot or a Lowe's, Michaels Home improvements and arts and craft stores.

Jim Diamond: The concern that we would have is that, and I think in the Zoning the sale of bulk household items under which some of those uses would fall. We have existing tenants at the site such as Air Mac and Ideal Electric who also to some extent cross over into the same business. We see that type of use is a likely type of use to continue with this site over time. It is a logical location for those types of businesses that sell bulk retail items. We want to be very careful not to eliminate those types of business which we think make a lot of sense.

Vice Chairman Sturniolo: Whitney I would like to call on you, would it take some verbal finessing to include a Lowe's or a Home Depot but not at the expense of currently what is there as Jim just listed. To differentiate Air Mac that sells HVAC and Lowe's that among the many thing it sells as well as HAVAC equipment. I am trying to see if there is a way to cut the piece of pie bit finer without having it collapse

Whitney Singleton: Yes, it is possible.

Vice Chairman Sturniolo: I just want to raise the question to all of us here.

Whitney Singleton: I know when I met with Jim and David before, it has been a little bit of an issue, and it will really be determined by the role of this board and ultimately the Village Board as to what needs to be at the site, it is not part of their application to amend that site plan.

David Steinmetz: That is a fair statement. There is no question Whitney has raised it with us. We have discussed it publicly and privately. It isn't part of this application; we are trying to focus the application as much as possible on the bowling. I need to say it because I have thought about it. When you mentioned the dry cleaning which if you had to put it on a balance scale a dry cleaner verses a Home Depot it is more nuanced.

David Steinmetz: Just so that you know Mr. Chairman, I would like to address the dry cleaning and the Laundromat It was brought to our attention by the Village Trustees when we first appeared before them informally in December that there was a lot of concern about water demand and not having high water demand usage. Obviously a laundry could be a very high water demand use. Dry cleaning and the possibility of chemical use in conjunction with that. It seemed like an easy one for us to eliminate as a principal proposed use.

Austin Cassidy: Just to take that a step further. Laundromats would be more on an entrance specific. This speaks to laundry and dry cleaning. We are talking about commercial bulk laundry and dry cleaning

David Steinmetz: if I use the phrase Laundromat, Austin is right I said laundry.

Vice Chairman Sturniolo: This is a serious large commercial laundry facility.

Jim Diamond: Several years ago we were approached by large 200-300 thousand sq foot laundry, industrial laundry use. We did not feel that it would be good use for the site. One thing I also would like to clarify is that as David indicated we are not actually seeking to change or expand the uses of the site. We are in many ways limited them. Recreation entertainment activities is already a use within the site in the form of a membership club. What we are saying is simply, which was brought up by the Town Attorney to remove membership club as requirement . In addition in removing laundry and dry cleaning we are proposing a limit on the recreation entertainment of 30% of the property would be the maximum amount of the building that could be used for that use. Right now there is no limitation that exists, so theoretically it would be possible if the traffic analysis supported it to 600,000 sq foot recreation entertainment facility. We are proposing to limit to at to just 30% of the building. So we feel we are trying to come in with a proposal that fairly balances the objectives that we as well as the town had.

David Stolman: We understand what you are saying with clarification and there are no additional pieces being added. I don't see it that way. There are uses that would not normally be structured as a membership club, which would now be permitted. Such as the bowling alley as a case in point. Bowling alley is not normally structured as a membership club. Anybody can walk off the street. You get your shoes and pay your fee. So there are many cases that would be added to the zone which are recreational and leisure time issues which are not normally structured as a membership club. Like bowling allies , ice skating rinks, sports time, that type of indoor amusement park like use. I think very specifically is a new kind of use.

Jim Diamond: I understand what you are saying, we see it a bit differently. We do believe that you have a bowling alley that would be a membership club. There has been a lot of discussion over the past several years about Grand Prix, membership club and how they operate where they sell both daily and annual licenses. The fact of the matter is Mt. Kisco Athletic Club or Saw Mill Club operates exactly the same way and they are membership clubs as well. We do think that you structure a bowling alley within where it would be a membership club. As we discussed at previous meetings we just don't think it is the most logical form of structure for the business.

David Steinmetz: Maybe more importantly, the issue that we are trying to clarify that having some amount of leisure time and recreation use at this property may make sense provide it is consistent with public health and safety and the environment. This drives the traffic.

David Stolman: Before you go on. I am not taking issue with where you are going in terms of traffic. I certainly want to give you an opportunity to speak. It does seem to me like there are certain indeces which would not only come in as a membership club like a bowling alley. Where if you came in under the zoning right now and said would like to have a - ----- facility here and it is going to be a membership club. So it is permitted under your zoning or anything else you might conjure up, which would be permitted based on your point of view. You could structure like a membership club. I don't think calling it a membership club covers everything under the sun. The point that I am trying to make is there are certain uses and I am not against the uses, but I think it is important for the Planning Board and the Village Board of

Trustees to be aware that this will then open the door a bit wider in terms of uses that may not normally be permitted right now.

Michael Gallin: So this is the third time David has talked about membership club. We want to make it perfectly clear for the record that; it is not the subject of this application nor is it Mr. Diamond's intention to do that. While David may be agreeing with some of our application, he keeps raising that same membership club with us and I don't want the press to somehow mix up if that is the applicant's request, Mr. Stolman.

Inaudible---Too Many People Speaking

Vice Chairman Sturniolo: David I think it would be a help if you could come up with a memo for us. We have all used the term labeling it as 333 and the design to be will turn out to be Playland North. If you could list some ideas of what you just enumerated. Things that are taking place in New Rock City that we may not like to see here. If a developed list on concerns that we need to address as we go through this application. You were talking off the top of your head tonight without having time to really go through it. If you could just spend some time and put something together for us on paper. It would help.

David Stolman: Some or all of these uses would not necessarily be appropriate. David you mentioned the cap and type that is in there as well.

David Steinmetz: We are still reviewing whether or not we want to have that 30% limitation applied to just the leisure time and we agree there should be a cap. We are prepared to discuss that with your board and the Board of Trustees and it should be a border cap. I think the most important thing and the best way I am going to ask you a question, we actually think rather than doing it backwards we should do the analysis from front to back and that would be a border cap. We certainly would be willing to discuss that with your board as well as the Board of Trustees. I think that the most important thing and the best way and I am going to ask the question, we actually think that rather than doing it backwards we should do the analysis from front to back and that would be: let's do the analysis of traffic. It sounds like the consultants and the experts in your office and Dr. Collins think they know how they need to analyze the traffic impact of and the worst case scenario of different types of recreation uses being there. Let's see whether there is going to be a serious negative impact or a wash, or maybe an improvement of some kind. Based upon that we are going to revisit what we have presented to determine whether it is 30% or if it is 32%, of leisure time and recreation use. Should a limited cabaret be included in that limitation and then we make sure that we have crafted something that is appropriate. We have something in front of the Board of Trustees that we think is certainly appropriate for the first shot. Now that the traffic experts seem to be focused on what needs to be examined and now that we understand that we are staying within the 450 vehicular trip limitations, let's see how the numbers play out.

David Stolman: John has based it upon that being e-g. Do you want to make them aware that there is no alternative a-g.

David Steinmetz: 200,000 sq feet of leisure and rec activity. We are talking 250,000 sq feet of athletic and leisure time and rec. We are going to analyze the traffic with that and then see where we are. From

that make sure that we have a meaningful full cap that works to protect the Village and still allow MR. Diamond to make effective use of the property.

Whitney Singleton: You need to petition for the code change,

David Stolman: Do you mean what was represented to the Board of Trustees. Their understanding that the 30% cap would be applicable to all pressure.

David Steinmetz: We understand that. Mr. Stolman and I discussed it subsequently I understand that the experts are examining it on a more aggressive basis and we will see what the appropriate way is. Obviously Whitney is right. If in fact Mr. Diamond decides based upon the data that your Village gets and that we get if we can change this in some way we are going to bring it to your attention and see if you react favorably and then as Whitney indicated we have to go back to the Trustees and see if they would entertain that amendment.

Vice Chairman Sturniolo: When you use the term aggressively you are talking about the 240,000 sq feet.

David Steinmetz: Yes

Vice Chairman Sturniolo: We got a little side tracked because we were supposed to hear Michael Gallin. Before I ask Stan has a question and Ralph has a question also. At this point do you want to talk about the verified petition? Since we are kind of in the realm and then we will put that to rest?

David Steinmetz: I would like to do that briefly because I think that we reviewed it at length last time. The entire verified petition is basically a procedure mechanism to get in front of the Board of Trustee and your board and our request for you to amend the zoning. We will walk you through as to why it makes sense. We actually in the verified petition also take note of the Village's comprehensive plan. We alluded to the fact and clearly from the 2000 comprehensive plan which the property will be "appropriate for recreational facilities and other sports and entertainment uses" That is your comprehensive plan at page 46. Essentially Mr. Chairman what we did we brought to your attention why we want to do this. It is in fact a clarifier despite the back and forth that we had to do with Mr. Stolman and we do think this clarifies your code significantly. They may change some things, it may add some things and it may take away some things. It clarifies the use of this property and we hope in a fashion that is consistent with the spirit that you signaled to Mr. Diamond eight months ago that somebody should take a look at this. We hope that it is consistent with his use of the property in appropriate fashion that is not going to have an adverse impact.

Vice Chairman Sturniolo: Stan do you want to comment now or follow Ralph. Michael maybe you should go forward.

Michael Gallin: There is just one thought on the zoning text amendment and I just want to make it very clear because I didn't hear it discussed a lot. The zoning text amendment in terms of the recreation use would still fall under a Special Permit Review Process. In no way would that be an as of right permitted use, it would not be subject to the special permit review process and would need to be

demonstrated to have no adverse environmental impact. Under the discussion for Grand Prix, previously there was a lot discussion about what is exactly a membership club and .honestly over the months it seemed like it was all about parking and traffic. Whether or not a membership fee was charged or not we are really looking at the meat and potatoes of the issue which was the environmental impact. That is about the gist of what the zoning test is about. The motivation to develop the site in such a way that the people in the south of the site are reducing the industrial nature of the site. Probably with exclamation point of that is the town field. We now kind of have the anchor tenant Mt. Kisco Athletic Club adjacent to that soccer field. We are beginning to develop some more landscaping in front of that. That was also part of approval process for the Mt. Kisco Sports Arena and Grand Prix. That is really the context between the recreational on the site with the notion that we have these initial recreational uses. Admirably some were approved as training studios and an approved membership club. In our note it also fell under the umbrella of recreational uses, particularly uses that we were able to demonstrate that there was no adverse impact. This specific application has been piggybacked to the Zoning Sector and the reason why that was done, was to make sure that we were up front with what exactly what was specifically being applied for is the addition of the bowling lanes in Grand Prix. As you know Grand Prix under 120,000 sq feet and it currently occupies 2 race tracks built out in that facility. The proposal is to reduce significantly and about the size of the race tracks. The small race track would be more slated for small children, where the other race track slated more for adults. Then we would build out an enclosed space that would be served by the public areas of Grand Prix. This is a blow up of that space. The bowling lanes are oriented and laid out as efficiency as possible. The main entrance to the bowling facility would be through these double glass doors at this location. The bowling alley is on a higher elevation because of the mechanics of the bowling lanes and return. There will be a ramp up into this facility. This small area will be raised by approximately 14 inches. The staging area for the bowling alleys will be at the end of the bowling alleys. Primarily arrival and reception, there is a dining facility which be serving both facilities, not only the race track but the restaurant. The idea was to be able to segment off the bowling alleys so that there could be a private party and that seems to be the trend. That is the presentations, are there any questions?

Ralph Vigliotti: Is this totally non-smoking?

Michael Gallin: That is a state code of the restaurant, but I have not done the research. I hope it is.

Whitney Singleton: It is a place of public assembly.

Ralph Vigliotti: For the record this is a total non smoking facility, bowling and Grand Prix.

Jim Diamond: Currently Grand Prix is non smoking.

Ralph Vigliotti: Currently you are proposing this facility to be totally non smoking, correct?

Michael Gallin: Yes.

Ralph Vigliotti: Alcohol beverages will be served to the bowling alley, correct?

Michael Gallin: Correct.

Ralph Vigliotti: How is that done when you have children on one lane and not another. Is that permissible now, to have a family on one side and several adults on the other? How does that work with liquor?

Jim Diamond: It is actually how Grand Prix operates now. We are not actually proposing to relocate the bar and restaurant which will stay basically the same. We are just making more of esthetic changes and adding furniture. Most of the lay out will stay the same. The cross over time when the facility goes from more parent and children to early evening where it is more adults. Alcohol be served. It is not like everyone is carded at the door and only people over 21 will be allowed in.

Ralph Vigliotti: I just raised the question as to how it will be handled.

Jim Diamond: There will certainly be people present around alcohol that are under age.

Ralph Vigliotti: Will there be full service to the bowling alley from the bar?

Jim Diamond: Yes, most likely. It is typical for most bowling alleys.

Ralph Vigliotti: Those are bowling alleys of yesterday, we are talking bowling alleys of today in Mt. Kisco.

Jim Diamond: Bowling has changed a lot. As Michael mentioned there are facilities like Luck Strike that is a very high end facility, similar to what Grand Prix is now. Those facilities have tables and chairs in front of the lane and there is food and beverage service.

Ralph Vigliotti: There is this time between 1-5 which there will be children. Children are not allowed to go into a bar and sit there and put on the juke box. If it is going to represent a family oriented type of establishment how are you going to represent that. I just want to make sure that the kids that would go down there at 12, 1, 2 o'clock in the afternoon on a Saturday group of kids 12, 13, 14, 18 all underage that they are being protected.

David Steinmetz: I think your point is well taken. What I was going to say and what I think that is appropriate, I don't think that we have a good answer for you today. We will put together a little research as to how we would handle that.

Ralph Vigliotti You need to come up with some sort of solution. Grand Prix is going to attract 10,12,,and 14 year olds. That was a clause that you needed membership. This is not going to have membership. You are going to 12, 10 year olds dropped off, even 16 year olds. I want to make sure that they are protected.

David Steinmetz: We can certainly, Mr. Vigliotti answer your concern and your question. We will go and see how it is happening at other bowling alleys that are currently full service, so that we have some

sense of what they're doing well or not well and then figure out how to best operate this.

Ralph Vigliotti: Your new parking count will be based on the 24 lanes?

Michael Gallin: It will be based on 24 lanes and John Collins analysis with the trip generation.

Ralph Vigliotti: Do we have anything with regard to bowling alley and how many parking spaces per lane as we might have for square foot, medical and or business?

Austin Cassidy: If it is not there it is because bowling alleys were taken off the permitted use list. To my memory I believe it is 3 per lane.

Ralph Vigliotti: I guess whatever is permitted may be Westchester County, by the local municipality and we can go by that. As we did with grand Prix to allot extra number of parking spaces and we will do it with the bowling alley.

David Steinmetz: The consultants have already talked about that. We will make sure that we have that information to for the next meeting.

Ralph Vigliotti: The coin operated machines you anticipate an increase that would be associated with this new bowling alley.

Michael Gallin: We show an additional arcade games within the bowling alley area, in addition we are showing a few additional games out in Grand Prix as well. The code I believe limits or it becomes an arcade if there is more than 3 machines I believe. Currently these are 120,000 and 24 lanes of bowling and the machines. We do not want lines that people are waiting for the arcade games. WE are looking to put in an appropriate number of games that compliment the size of the building.

Ralph Vigliotti: We have to call this what it is. This is becoming quite an amusement center and it will continue to evolve. This is not the last that we are going to see of this. I think that there will be more cutting of the pie. We have one arcade area two arcade areas and then there is arcade behind the bowling lanes. It is becoming an attractive nuisance that we need to ensure that we are bringing children in there 12, 13, 14, up to 21.

Michael Gallin: Without a doubt this facility was originally perceived as primarily a corporate venue. Grand Prix is the business model. Part of the bowling alley is part of the evolution to make it friendly. I think that it is consistent with what you re saying and we are not trying to hide that. That is the part of the economics of today.

Austin Cassidy: On that point, family oriented implies the inclusion of children and adults. I think one of the points of clarity the board can make the client come in on unaccompanied by an adult?

Michael Gallin: We have not discussed the specifics, off the top of my head that would not be a limitation that we would be looking to add. I am not sure what the values would be.

Austin Cassidy: What it does is open the whole concern kids would be absent of an adult supervision element. Then the board would want to

take a closer look how the adult element interacts with the children being there.

Michael Gallin: We need to put more thought into that.

David Steinmetz: I think answering the question about the alcohol and the relation of the alcohol verses the bowling verses other activities that is going to be part of the facilities operational plan. That we need to come back and review with you.

Ralph Vigliotti: I have worked with children for a whole life time and I understand the attraction. So be aware that we have to be able to regulate and monitor the attraction, for unsupervised children.

Michael Gallin: We understand.

Stanley Bernstein: Are we only discussing the bowling alley at this point? I have a few remarks to make. We have accepted every iteration that has come before us. I could never call this pedestrian friendly. Mr. Diamond, we have never pushed back that hard. I think that we have done amazing due diligence on this project. There is only one project that I can remember that we really spent more time on and that is the hospital. We have spent a great deal of time with you and I think we clarified questions that were not very well put together. That thing has always been in my mind. It is not a pedestrian friendly place. Now that you are talking about youngsters of ages that don't yet drive and the condos across the street. They at one time were concerned that the kids could not walk to the park even if there were some crossings. I felt the road was impossible to walk down and then they had to walk through a parking lot. Now you are a major developer in and have access to many experts and I think that it behooves you when you come back you should get your experts together and come up with some methodology to get the people from the other side of the highway into this area and get them across safely through Ice House Rd and onto your sidewalks to your wonderful facility. I think that it is very important. You can't have this bowling alley just being vehicular friendly, if you know what I mean. I know that it is a very difficult situation and probably going to be quite costly and I think if you put your heads together with Dr. Collins, I am sure that you can come up with something.

David Steinmetz: Stan I saw that you were at the Trustees meeting and I know you were there when the Mayor and the trustees and we know that we need to look at that.

Stanley Bernstein: I do want address the entire process. So far everything there has gone well. We were talking about the big box store. I personally do want this thing surfacing. Right now Air Mac and Ideal Electric are geared toward contractors and the general public. So it is not really a retail establishment where people can come and go, increasing traffic problems in the parking lot. I would say that I am not in favor of any retail except as an accessory use of whatever is there. Whether it is big medium or small. Even a small furniture store I think would upset the entire flow of what you have created here. It would add to traffic and it would to parking. It is a come and go situation, consistent with the retail sense. We have enough places of retail establishment for the Village. We have enough retail, they are overflowing. They are going out of business there are so many of them. I would not like to see a row of restaurants. I think restaurants should

be limited to whatever recreational facility you have. I have no objection to alcohol and do enjoy one martini a day, no more no less. I have no objection to alcohol even if there are children there and if it is a mixed situation with adults and children. The adults can usually as in a restaurant control it. If it is in the afternoon and kids 12-14 want to go in and bowl then it should be stated that no alcohol beverages to be served in the bowling alley area and anyone else would have to go to the bar. Something like that. I would not like to see restaurant row since we have plenty of restaurants in Mt. Kisco and there are plenty of areas where there is one restaurant after another. We are not lacking of places to go to eat. There is no reason to build any restaurants by themselves.

Jim Diamond: You know that we are not proposing that.

Stanley Bernstein: You are not proposing but with the change of zoning I want that clarified. I think that I had couple more ideas but I do not want to dominate the presentation.

Jim Diamond: I think in terms of restaurants what David submitted would actually be limited to only this restaurant that would be allowed. As to what we have in Grand Prix. One thing that I say about the uses is that I think that it is important with this site to put it into perspective of 38 acres 600,000 sq. feet. I think we have always been able to work well with the board in terms of coming up with a mix of uses that it is low impact and does not generate a lot of traffic and does not have a negative adverse environmental impact in the community. The point is with a place this large that there is going to be some variety, and a little bit of flexibility is important if we are going to be able to both fill the property and have a positive mix of uses. In certain things like furniture stores are actually extremely low impact in term of traffic generation. Low numbers of employees and low numbers of visitors and thing like that. We really always have tried to come up with a very positive mix of tenants. Which I think that we have been very successful with.

Vice Chairman Sturniolo: Sol do you have any thoughts?

Sol Gibbons: I do not have anything to add, and the concerns have been well addressed.

Vice Chairman Sturniolo: Maybe we can summarize it and you still have quite a bit of homework to do and research. David is going to do some research with his memo. Lets put you on an agenda when your are set, where you go and contact Nancy.

David Steinmetz: I would like to deal with the procedural issue. Whitney one of the things I want to make sure we do is at least touch on the SEQRA issue, The Board of Trustees has determined that it does not wish to serve as Lead Agency and to the extent that my clients application acquires both your board to serve as lead agency and the trustees. We would like it to be a coordinated environmental review. We would like you as lead agency to pursue SEQRA so that we know that step is taken. Mr. Chairman what I think our goal is to answer as many as these question as we can, if not all. Work with Dr. Collins and the traffic study. We hope to come back before you at the next July meeting.

Austin Cassidy: August 24, 2010 is the next meeting.

David Stolman: We are going to shoot for that. Obviously the ball is in our court to try to answer the question and come back with some new useful information. I know Mr. Diamond would like to bring bowling to Mt. Kisco some time in the future.

Vice Chairman Sturniolo: Just to note the meeting is the 13th and the cut off is 6/22/10. If you make the submission the 7th or the morning of the 8th. The August meeting the 24th. WE are going to be looking at the traffic study, operation plan to satisfy Mr. Vigliotti's concerns as well as others. That is certainly additional information that we need to generate. As it was stated and a memo that board is looking for. It should be possible uses that should be eliminated. I don't want to speak for John Collins. David if you don't have enough time to complete an internal review memo responding Collins by the 13th, then we will have to go to the 24th to finalize traffic, but maybe you can get some of these other issues taken care of. Maybe we can complete the SEQRA determination. You decide.....

Whitney Singleton There should be a memo from David, I don't know that I would recommend per say...I just want your board to know I would limit the use of the zone. The use permitted is an extensive list.

WHITNEY INAUDIBLE

Vice Chairman Sturniolo: Things that would fall within that list and it would be pretty extensive and I think that we should make it as comprehensive. Yes you are right about it but a comprehensive list and also the impact on other municipalities. How they deal a bowling alley. Are there any downside to it, and the impact that the community has experience with this type of recreational activity?

Whitney Single ton: The village board wanted to know the status.

David Steinmetz: We obviously submitted to the Trustees and to the Planning Board and copied both of you on the reciprocal mission. Everybody got everything.. We truly appreciate the fact that you are going to allow us to process these simultaneously because it just makes a lot of sense.

Ralph Vigliotti: I am amazed that the popularity of bowling is coming back. Just a thought that the children of the village utilize with your generosity , like bowling instruction , and or discounts because you have done nice things for the residents , I am sure that you will offer it again.

Jim Diamond: We will reach out to the recreation department and see what their thoughts might be as to how that could be incorporated into their programs.

David Steinmetz. We are gong to look at that form from an operational stand point. And we are also going to look at the Village

Michael Gallin: In terms of the type of the facility I am not sure of how many lanes there are therein. This is indicative of more modern bowling, whereas it is more family oriented.

Jim Diamond: Lucky Strike is really very family oriented facility. They do not allow people in under the age of 21. Esthetically it is similar but operationally it will be a little different.

Michael Gallin: I know that at 7:00 on a Saturday night there is no family bowling there.

Vice Chairman Sturniolo: Let's double check with Nancy the schedule we are trying to achieve.

David Steinmetz: We are going to try and get a submission no later than July 7th understanding that it would not permit Mr. Stolman or Whitney to generate review memos. The kind of information that we think we would be submitting for discussion at the next meeting. May not necessarily mean review memos first to have a meeting for discussion in July?

Vice Chairman Sturniolo: On the 13th correct and then the fallback position will be for August. Is that ok with both you Whitney and Davis?

David Stolman: We are just going to have the review of the traffic or parking.

Vice Chairman: Sturniolo: Nancy are you ok with the date?

Nancy Placona: Yes.

Vice Chairman Sturniolo: I just want this to be a part of the time schedule process.

David Stolman: We have John Collins to do the analysis that we were talking about before. Is this a specific analysis or can get more specific application, at the end of the day you could deal with all the zoning and specific application.

David Steinmetz: We can go with the generic note and application specific analysis.

Vice Chairman Sturniolo: After you talk to John Collins tomorrow morning can you update David as to where this process is?

David Steinmetz: Mr. Stolman are you here on July 13th or are you not able to come.

David Stolman: I won't be able to be here.

David Steinmetz: We are going to factor that in as we discussed whether we are going to target that meeting or not. We will let Nancy know and David and Whitney and we will communicate with all. I believe we can do SEQRA. I think you do have a complete application to circulate if you are circulating and I leave that to you and I leave that to your consultants. The most important thing is that we want to make sure that you knew the Trustees do not want to be lead agency and that means you are going to have to do it.

Vice Chairman Sturniolo: Thank you Gentlemen.

Vice Chairman Sturniolo: the next item on the agenda BMW of Mount Kisco 250 Kisco Ave PB2009-16. They have opted out on their appearance tonight so we will move to the next item which is

Formal Application:

2. Paul Krause Architect – 130-132 Main Street- PB2010-6

**Paul Krause, Architect representing the property owner
Michael Tierney, Architect
Doug Retrum
James Attwood, Owner**

Vice Chairman Sturniolo: We have all been to the site and we have all discussed the issue of the rear entrance and we understand what you are attempting to do, predicated on the letter. Then there is the application for site plan sub-division approval. Along with the copy of the deed and site plan and fees. I have general questions if you don't mind. The seating is for how many people? You have seating for 46 people. There appears to be a lot of cooking equipment, grills and ovens and an open kitchen so you can view into the kitchen.

James Attwood: That is intended.

Vice Chairman Sturniolo: That the intension on your part. It is going to be a fairly brightly lit environment, I guess. And it is my interpretation verses a traditional restaurant which has a little bit softer lighting requirements. Is this a restaurant or is this going to become a deli?

James Attwood: No it's a restaurant a sit down and not necessarily new wave.

Vice Chairman Sturniolo: It is going to have table cloths and candles and linen, silverware and china?

James Attwood: More casual than that.

Vice Chairman Sturniolo: Going back is this more of a take out luncheonette or something like that.

James Attwood: I think we would anticipate people would take food out. There are counters there to that effect. This is a modification of concept that my wife has already developed in Bedford Hills, which has few tables because we did not have the approval to have tables.

Vice Chairman Sturniolo: Where in Bedford Hills? I would love to see it.

James Attwood: It is in Depot Plaza, the Perennial Chef. This is different from that. That was version one, five years ago. There were constraints as to what we could do at that spot. One of the reasons we actually invested in this building was because it had the restaurant designation and had the ability to actually have meaningful seating here. The thought is that what we really want to do as a developer of the building, I want to make sure this can be a very fine restaurant. The open window look, as in some restaurants you can see the food being prepared. Whether or no I can consider tablecloths, candles, I don't know I am leaving that with my better half. The idea is that people would want to sit down and have a meal with table service. That

is how we set it up and there is also the ability with counter space here that it could be a take out service as well. The principal focus here would be fine prepared foods. It is very high quality food and restaurant quality. We never had the ability to have this type of wholesome dining area. We really want to fill that out and have a very nice place.

Vice Chairman Struniolo: If someone wanted to take food out they would sit at table look at the menu and a waiter would come over and they would say that I want XYZ to go.

James Attwood: I am not sure how they would go about it.

Vice Chairman Sturniolo: Where would they physically be during this process?

James Attwood: If it was just a take out it could be an advanced order. I think that they would just go here. These are actually display cases. Some of the food would be displayed. A lot of the freshly prepared food for someone that sits down and says they want a full meal obviously they would have the ability in the kitchen. That is sort of the concept and believe me it is not a deli.

Stanley Bernstein: They can come then be seated and would be served. How would the transaction of business occur?

James Attwood: Do mean would there be someone out front to take an order.

Stanley Bernstein: Where do you place your order.

James Attwood: If you are going sit down at the table we would serve you.

Vice Chairman Sturniolo: It sounds like it is not just sit down.

James Attwood: The reason I pause is because her current place I would say the percentage of people take it out and have pre ordered. There are limitations of that space I think there is only 3 tables verses 46 seats here. That is why I say it is a different concept. Our objective would be this thing could be driven by a sit down crowd. It would be lunch and dinner. Could the percentage be higher? Maybe. We are not sure and because this space is a little different that our other space. We are not sure how much there might be terms of breakfast. Maybe it will be open for breakfast people just want a coffee and a danish and really don't want to sit down. I think we are still trying to figure this out. The model is developing. The objective is that this will be driven by sit down traffic.

Stanley Bernstein: When I was looking at this at home the way it was oriented and the way it looked to me, the kitchen would make the food, deliver it to the counter, which would be put in the display cases and the people at the table would come up and get what they want and go back to the table. It didn't look like a waiter service situation. It also seems to me if I was dining whether it be napkins and silverware etc., I don't think that I would be very happy sitting at a table for two over here and not far from the counter and have people traipsing through up and down constantly for take out. I think that would not make for a pleasant meal. That is my feeling.

James Attwood: That is ok that you feel that way.

Stanley Bernstein: Basically a sit down diner is not going to be served from the counter. It will be served from the kitchen. Which means that you will have to have more wait staff. You will have a couple people behind the counter, you will have to have one wait person to manage the tables. Probably have one or two bus boys. There is going to be more than you anticipated.

James Attwood: If we are going to need more people working we will have to take away seats. Obviously if we get to the point where we are going to have back door things will be changed a little bit. We understand the constraints and will work with you.

Vice Chairman Sturniolo: Where you are going to have the showcases, most showcases are very brightly illuminated with a lot of florescent lighting in the inside so you can get a clear visual of what you are ordering. You have that and what you mentioned in the letter the overall light atmosphere I am not in the restaurant business, I am here as a volunteer. It doesn't send a signal that this is a sit down kind of restaurant. It appears to me to be bright and as Stan said you are going to have people walking back and forth if you are sitting down going to a showcase and pointing to chicken salad and veal parmesan cutlet. It is hard for me to understand where this is going.

James Attwood: A couple of thoughts. First of all I've seen different kinds of restaurants some are very open in the area with lots of windows. During the day it is bright from the outside and the evening it is darker. We have tried to mimic that. There are no windows on the side. We have windows here and the kitchen will be a brighter look. Then we are going to put the skylight here that gives us some natural light through the middle. The idea would make it comfortable. In the end if we have to tweek things and there are too many cases here and we decide to remove and create the ambiance. That flexibility we will work into this lighting scheme that is for sure. We are trying to and the base plan is, to have the flexibility and for example you could take all these counters out and have complete sit down. We are trying to sort of cover the urban concept. In terms of the base plan and what we want to do. We wanted the flexibility and is why I said this is an evolved concept from where she started today.

Doug Hertz: I do not see certain things like a waiter station. Where things can be accessed, silverware and water and things that will need to be moved out front. If it is all back here it will be a lot of work.

James Attwood : It is a good point and obviously you can convert more shelving here. Right now the operation will be mostly counter. Again it will have to be practical. You are right and you are not going to have people, you are going to have to have access to the bathrooms, and that sort of stuff. We debated about having an area desk where they will be seated or something like that. That interior hub is still evolving a little and we are trying to come up with a construction plan and get some nails into the wall that would be flexible.

Ralph Vigliotti: I have no issues. I am not here to pass judgment on your business. I guess we are all trying to get a sense of the business model. As we go into the community people ask us what type of restaurant and that is what we are trying to figure out. You say there is

a waiter or waitress service, does this mean you sit down to get a menu and then you choose off the menu and then they will bring food to your table, or are you going to an area selecting food, paying for the food going to the table either the waiter or waitress makes sure there is enough water glasses and you have what you need to dine.

James Attwood: I think we would very much like to see the former. Where we are starting from on the ladder we have our Bedford Hills store and there are limited number of seats. Here what would like is a nice dining experience where there is waiter service at the table and the flexibility to have the other if people wanted a take out. We want 46 people to be comfortable sitting here and having a waiter take care of you.

Ralph Vigliotti: It is a very interesting concept and I wish all the best. What about a rear entrance?

James Attwood: We have come up with a drawing and we think works and I have talked with the neighboring owner, Mr. Albanese. He is open minded to it. Given the grand piece of the kitchen we might have to cut through about 10 -12 square feet of his property which doesn't seem to be a problem, but we know it opens up the walk. There is a lot of stuff that needs to be done. After all of that come back with that and consider it. Isi told me and we had several conversations and he is open minded and we are going to make this back here nicely planted which will help cover some of this area. We agree with you.

Vice Chairman Sturniolo: What type of food is this going to be.

James Attwood: A French – American

Nanette: We were looking at this part when you were explaining the business are you going to be pursuing an easement with the next door neighbor regarding the rear entrance.

James Attwood: We have contacted and had conversation about if we were put a door in the back. To preserve the kitchens, we do not you walking into the kitchen if the door was put here and it would cut through. We would have to get an easement and that opens up a lot of issues. That is the concept. I think that it works esthetically and I hope that Planning Board will be supportive and assuming that it does not create too many site plan issues.

Austin Cassidy: On that point. We need to establish where this application is and that is you are before the board for a site plan amendment. If it is the board **Inaudible**. This may go out the door maybe the end of August and I am putting this before the board to figure out due to your summer schedule. We need to figure out where is the time line.

Nanette: You can do a draft resolution and still be on the August 24th agenda.

Vice Chairman Sturniolo: Austin do you have issues with square footage and parking.

Austin Cassidy: No.

Vice Chairman Sturniolo: If down the road, and is not a subject at this point if there were the easement of the property owner next door his site plan would have to be modified or amended to reflect that.

Austin Cassidy: There would have to be some joint amendment or parallel amendment

Vice Chairman Sturniolo: For both?

Austin Cassidy: The two would reflect the physical change in a common walkway.

Whitney Singleton: The other thing that I would put out is the rear there is village owned property. **INAUDIBLE**

Austin Cassidy: There would have to be detail on the curbing. Yes it would have to be consistent with the existing.

Vice Chairman Sturniolo: Right now it is black top.

Whitney Singleton: What I am saying is that it should match. **INAUDIBLE**. Approve only the property the board recommends the deviation.

James Attwood: WE would be happy to use the same materials .

Austin Cassidy: I would like to clarify for the board. You are proposing to eliminate the black top which is obviously a good thing. You are replacing with a pervious material that is esthetically pleasing and then if it is not blending with improvement model on the village side of the property line.

James Attwood: There is a concrete walkway that separates out surface from..

Austin Cassidy: The pervious that goes to our property line would just continue to the walkway.

INAUDIBLE

Whitney Singleton: This has to be consistent as to what is shown on the plans.

James Attwood: I would say for the record for our purposes we are willing to go in any direction you want. We just want it to fit in and be functional

Vice Chairman Sturniolo: Again I am only one person on this Planning Board, based on this plan I would like to see this be consistent with everything else that is out there in Blackeby Lot. I think consistency should be the driving factor so that it looks alike.

Too Many People Speaking

Vice Chairman Sturniolo: The village did not put the black top down that is there. So it would be an upgrade from the existing blacktop .

Nanette Bourne: So the question is whether or not on Village property they will maintain a consistency into the pervious brick.

James Attwood: There is no proposal to alter any of the improvements that the Village has done.

Nanette Bourne: By maintaining the consistency of the Village, you still have improvement per the village. You should use the brick here and it is a nice esthetic and you can really to a lot to dress up this section of the building.

James Attwood: I think we are very open minded to do that and if it turns the brick makes more sense. I know we are working and trying to figure out the pervious surface.

Austin Cassidy: We would need the detail on the brick. Along with detail of he storm water

Vice Chairman Sturniolo: Anthony will you look at a photometric lighting plan.

Anthony Oliveri: We will need a photometric plan. WE are going to look at the level of illumination.

Vice Chairman Sturniolo: You will need to use the Village Illumination guidelines.

Doug Hertz: This is listed as vehicle service area

James Attwood: That is where they bring in the food. They back up over the curb there is a concrete curb, and the sidewalk and a walk and drive over this.

Doug Hertz: Is there a curb right now?

James Attwood: It is about 3 "inches.

Doug Hertz: The typical delivery is to drive over all of this.

James Attwood: Also garbage pick up and delivery. We have to get deliveries to the kitchen. Frankly it would be nice if we could drop a piece of curb it would easier for the trucks. That is not our property.

Vice Chairman Sturniolo: That will have to be addressed to the Village Board for a curb cut. I thought you could get ticketed for driving on the sidewalk.

Ralph Vigliotti: Can we recommend a curb cut?

Anthony Oliveri: We would have to see if the brick pavers hold up.

Doug Hertz: We would have to see how they hold up after plowing.

Vice Chairman Sturniolo: Considering all of the issues is it reasonable to look at a draft resolution? The schedule over the summer is slim. If everybody is in agreement with me lets go ahead to ask Nanette to prepare the Draft Resolution for the meeting July 13, 2010.

Nanette Bourne: You're proposing a draft resolution. You are putting in drop curb extending, asphalt consistent with the Village. . A drop curb here will cross over the brick

James Attwood: We understand we need to fill in the gaps for you. We do recognize the schedule over the summer is not friendly.

Vice Chairman Sturniolo: In that case if everybody is in agreement with me let's go ahead and ask Nanette to prepare the draft resolution.

Nanette Bourne: Everything is on the roof.

Michael Tierney: We have a parapet wall that comes around and you will not see it except for the one piece. We will put screening around it.

Stanley Bernstein: This is piping ...

Michael Tierney: All units on the roof ...

Stanley Bernstein: How are you going to distribute the duct work and air or hydro air? What system are you using, energy star? What about the cooling?

Michael Tierney: We have mechanical engineers that design this in detail. We were not equipped tonight.

Stanley Bernstein: The next time you come we will discuss this. I think going forward this building and future buildings and renovations more energy efficient. Nobody is asking you to make a Leed Certified building. Certain things I would like to see but is not mandatory but we would like to see them.

Michael Tierney: We found out that there was no insulation in the building.

Vice Chairman Sturniolo: Your next presentation and bold down to a letter o saying in answer to Stan's questions about equipment, cooling and the duct work with the hydro air system.

Nanette: There is a fairly narrow window to get this into the agenda July 13th. You really need to have a discussion with Anthony on the curb cut and make sure it works in the drainage.

Doug Hertz: They may only want a very low cut

Vice Chairman Sturniolo: Would make the recommendation to them as to what is appropriate for the village.

Nanette Bourne: The plan needs to get to Anthony as soon as possible then to me in advance of the 13th.

Vice Chairman Sturniolo: You might anticipate that the final would be at the August meeting and as long as there are no outstanding issues. Thank you for coming.

Continuing Review:

a. Jon Han Bon Ann LLC – 117 Smith Ave – PB2010-07

**Thomas Nugent , Architect
Frank Veith, attorney for council**

Vice Chairman Sturniolo: The last item on the agenda is 117 Smith Ave. We have a cover letter from Jim Han to Mt. Kisco Planning Board, and a site Plan with a revised piece. There seems to be a lot missing from the submitted plan. Having said that, Anthony do you want to walk us through.

Anthony Oliveri: The first thing that I would do is to call attention the turning radiuos of the car. It is showing an 11 foot turning radius. That is what they are able to get and that is not an acceptable turning radius for a car. That doesn't really work with out backing the car up further. We touched on that at the last meeting and how the cars were parked on the adjoining property and how far back you go. Actually there may be a curb right there behind the car. You may look into that as far as how far back that car go. The other concern I came up with is the oil tank. Removal of the oil tank will be relocated inside. If that is possible. I think the last item is the lighting.

Nanette Bourne: I think that I have spoken to you.

Frank Veith: Yes at one point.

Nanette Bourne: The lighting on here you show flood lights along the side of the building as well as in that back corner. They may be fine but without a photometric plan we don't really look at the wattage of bulbs we are more concerned with the foot-candles. That is a requirement for the Planning Board. The other thing is the landscaping. You have install ground lawn. You installed around the corner of the back of the building. It is off on the side. It is kind of a sketchy landscaping plan. You removing along the side and replacing it with grass. Normally when we have a landscaping plan there is much more detail on it.

Frank Veith: You want me to identify the trees.

Vice Chairman Sturniolo: You will have to get your landscape architect in to rethink this and put it on paper. You will need a snow area. You will need help in the revisions. The usage for the first floor and second floor?

Thomas Nugent: Storage wings, copy machine also like an eating area.

Vice Chairman Sturniolo: You used a term in the letter "cafeteria" When I hear cafeteria I think of something a lot bigger.

PLANS COVERED MIC – INAUDIBLE

Vice Chairman Sturniolo: It would be more like a lunch area for the employees.

Frank Veith: Tables and chairs and a microwave.

Vice Chairman Sturniolo: What do you propose for the basement?

Thomas Nugent: It is unfinished and will remain unfinished.

Vice Chairman Sturniolo: It would house the mechanicals of the building?

Thomas Nugent: Yes.

Vice Chairman Sturniolo: Nothing but the utilities?

Thomas Nugent: Yes.

Vice Chairman Sturniolo: When you revise the plans would you just say the usage in those three areas. Would you make that crystal clear on the new plan? So we don't have to revert back to a resolution of approval.

Thomas Nugent: Yes.

Vice Chairman Sturniolo: You need to define cafeteria and basement.

Anthony Oliveri: You need to show the turning radius of the car. There is a double line shown behind the car and you said it is not a curb, what is that?

Thomas Nugent: It is the middle of the 15 foot.

Anthony Oliveri: Do you see the double yellow line through the car? It appears to be the existing curb line, which extends the other property. You need to look at that to see if a car can back up. Right now I do not think that the car can make the turn. I believe the standard is twenty four feet. The oil tank, a lot of these underground tanks leak. So when you dig it up there is an application involved.

Thomas Nugent: I believe we are obligated to test it before it is remove it. We will find that out.

Vice Chairman Sturniolo: Whitney do you have anything?

Whitney Singleton: No.

Vice Chairman Sturniolo: My fellow Planning Board members?

Thomas Nugent: What about the existing lighting?

Vice Chairman Sturniolo: As long as it conforms to the proposed to the Village Lighting Standards.

Thomas Nugent: We probably need to change the lighting fixtures.

Vice Chairman Sturniolo: Whether you change with something new or you make an adjustment as long as it conforms to the proposed Village Lighting Standards and also keep in mind if you change fixtures that we are going to require full cut off fixtures as replacements. That is something that you have check on the manufactures information. I guess once you get all these answers then you need to re-submit this plan and we will go from there.

Whitney Singleton: The first floor is going to be entry for the four offices and one lavatory. On the second floor it is going to be non active use. I just want to make sure that your board is comfortable with the way that they are disclosing it. This is to be labeled on their plans. Is there something that you are comfortable with or uncomfortable with you should note it now.

Vice Chairman Sturniolo: Any thoughts to Whitney's questions, rhetorically?

Doug Hertz: Well we ask that they re-word the second floor language so that it is very clear.

Whitney Singleton: The way they word it is not acceptable to you?

Doug Hertz: It is not, I ask that cafeteria be to some other description that makes it clear that it will not be an occupied space except for a transient period of time. It is not a working space a subsidiary space to the downstairs.

Vice Chairman Sturniolo: Do you think that there should be another break out drawing of the second floor where a copy machine would be and where the computer would be and table and chairs, that kind of thing. That would visually support the drawings.

Whitney Singleton: Quite frankly I just want to make sure that you're comfortable with one of the issues that we recently had. We want the floor plan and know what is allowed and what is not allowed. The second floor record storage, that is pretty clear to me. I don't know whether it's your desire to make sure that it is dead space or a non active office space. I just want to give some direction to the applicant. I would rather nail this down rather than have language that is vague.

Vice Chairman Sturniolo: So we should add non active use, for the second floor.

Whitney Singleton: Unoccupied space.

Stanley Bernstein: If you have a table with chairs and a lunch room it's not unoccupied. A copy machine is no big deal, but someone has to run that copy machine. Again it is not an unoccupied space. The fact that this is labeled a cafeteria that really puts lights in my head. When nobody is looking something will be going on up there. We have to make this iron clad

Vice Chairman Sturniolo: A conference over lunch with several people around the table.

Stanley Bernstein: That has to be iron clad. No one is up there and I don't like the idea of a lunchroom and I don't like the idea of a copy machine but ok I will accept it.

Thomas Nugent: With all due respect. We know that it can't be rented out to a tenant.

Stanley Bernstein: How do we know?

Thomas Nugent: I am saying that is what was told to us.

Stanley Bernstein: How do we know? Who is going to stay there all day?

Thomas Nugent: Let me ask you this. Who is going to rent it out as a lunch room? What kind of business.

Stanley Bernstein: No. There is enough space for someone to put a little desk and a chair and a telephone.

Thomas Nugent: They could do it in the bathroom. I am not denying it could happen

Stanley Bernstein: It is unoccupied space; it has to be unoccupied space. Like the basement it is suppose to be unoccupied space, so it has to be unoccupied.

Whitney Singleton: It is to be storage space.

Frank Veith: What we are trying to do is not drive extra traffic to the site. If it doesn't create a permanent desk space for someone or a permanent work space for someone it becomes an ancillary space to their primary office space downstairs. It doesn't matter if they carry one pile of files once a day or ten thousand times a day. If it doesn't drive addition workers or customers. That is what we are really trying to do. Because of the problem with parking, so we have to come up with language that clarifies that and makes that clear. I have no problem using the space in any way they want other than creating additional permanent desk space. Anything that is ancillary to the first floor usage. I think it works as long it doesn't drive additional employees to the site.

Vice Chairman Sturniolo: Whitney do you want to give the language some thinking?

Whitney Singe ton: Yes, I don't want... **(TO MANY PEOPLE SPEAKING)**

Frank Veith: The idea would be to clean it up before the ZBA.

Vice Chairman Sturniolo: You work with Frank to fit the intent of letter.

Whitney Singleton: Basically it is going to support the space.

Vice Chairman Sturniolo: Is everyone comfortable with that?

Nanette Bourne: The curb that is going to the car, you are going to remove?

Frank Veith: Toward the back?

Nanette Bourne: Right. There would have to be some place where the curb ends. You are going to remove it from the easement and you would have to get approval from the neighboring properties. To remove it and have to end somewhere on their property.

Vice Chairman Sturniolo: It is not going to expand the easement?

Nanette Bourne: No, you just can't have a curb out in the middle of nowhere.

Vice Chairman Sturniolo: Is there anybody else? We will wait to see your next submission. Do you think that you could have whatever is necessary to appear at the July meeting? That would be the 6th. Do we want a draft on that agenda? If they want it approved they can't on the 13th.

Whitney Singleton: I am not saying they can. What I am saying is hat there is not going to be a meeting to go from the 13th to the Zoning Board and all this back to this board in September I think it can probably save a space with you board before going back to the zoning. We can look at a draft resolution on the 13th with no action until the

August 24th for a final action here and then you would go to see the ZBA in September and wrap it up there. That is the time line and the best case scenario. If you miss the 13th that will bump everything back.

Vice Chairman Sturniolo: Could you generate a punch list of the various items that the site plan needs to reflect. When it comes in it is a help for you as you review it and the rest of us as well. Then you need to circulate it as it is finished prior to the 13th. Thank you gentleman.

Correspondence:

Vice Chairman Sturniolo: WE have two items under correspondence and that is a memorandum from the Village Manager regarding landscaping upgrade and the second is a letter from NYS DEC and how it pertains to Crème De La Crème and Nanette and Becky had worked out a couple of memos and Whitney has been involved in the Brownfield Cleanup Program. I would like the both of you to give us a brief update where we stand with the issue, because the point of the cleanup, am I correct Whitney is it addressing all the issues that that the Planning Board wanted to see done at that site?

Whitney Singleton: When said that they need to do all the cleanup ? What they have done is they sent an application to DEC predicated upon their previous discussion and that included your board. Of what was approved by DEC is consistent with what your board has requested of them for the most part**INAUDIBLE.....**

Nanette Bourne: This would clarify they are being approved to go into their program. They submitted a remediation plan that then needs to be investigated and they will take both the investigation that was previously done plus some additional investigation that DEC is going to require. Then there will be a real remediation plan. Chances are what you are see in is the minimum of what DEC is going to require and most likely DEC will require even more. The one question that needs to be clarified is that they have the property and a ...limitation on it. Some of the fuzzy areas has to do with what constitutes commercial use and whether or not a day care center constitutes a commercial use. After recreation...

Whitney Singleton: Why would that be something that would be...**INAUDIBLE**

Nanette Bourne: Active recreation is permitted, we would need the classification of that would be a good idea.

Whitney Singleton: For the most part I think that it is safe to say having read everything and having gone back and looked through what your board has required and having read the report I think they have substantially kept their representation to your and they are properly trying to confirm that before they move forward and spend not only all your money but that this is a position of remediation.

Stanley Bernstein: I have a quick question. What about Buckingham? That dividing line does not go down a mile deep preventing pollution to cross over. The discussion we have had a number of times.

Whitney Singleton: The discussion we had when we had a number of professional people. I think New York City wanted to know the extent of the cleanup that your board was going to require of the applicant.

They came and wrote it up to confirm that treatment would be sufficient from your board's perspective.

Stanley Bernstein: We agreed on that. What does that have to do with the brown filed? Is the Brownfield remediation going to continue through Buckingham or is it being separated and then whoever buys Buckingham land will have to do their own remediation.

Nanette Bourne: The only thing that is entering into according to these documents within the Brownfield plan is this site not the Buckingham site.

Whitney Singleton: We do not have any reason to believe that there is contamination on the Buckingham site other than what was revealed to us.

Stanley Bernstein: We know what is on the Buckingham site and we know what they want to remediate. Now the question was on the Crème site they denied that they had any problem while Buckingham agreed that will remediate and ask us if it was going to be contained or removed. We agreed finally after much discussion in two years that it would be done containment. At that time crème denied having any kind of problem, and now they are getting some Brownfield from the state. What is going to happen with Buckingham. I can't see it not being done at the same time. It boggles the mind.

Whitney Singleton: They are looking to deal with the situation as best they can. New York City has its own for cleanup. That is why they came and wanted us to understand the full magnitude of what Mt. Kisco would require for remediation. That is why we want to make sure before they enter into any agreement with Crème De La Crème wanted to know the full extent of the Buckingham site. They came and said you're comfortable with this issue; we would like to know if your board is comfortable with this issue. Based upon that they have now worked out whatever resolution needs to be had with Crème De La Crème. I have a feeling that DEC wanted the remediation.

Vice Chairman Sturniolo: Going back to Stan's basic question I don't think there was an issue that we were all in agreement with the remediation. For them to take that alone and not address Buckingham, it doesn't make sense. The question is how far out does the remediation go?

Whitney Singleton: As far as the bed that we were concerned these hot spots, it was predominately it was a Crème De La Crème Choice. We did not have those e issues on the other site.

Nanette Bourne: It did cross the line. Brownfield cleanup program application you look the names, this is just for the Crème De La Crème site. This is to be determined because the plan is not been developed but they maybe require barrier at the property line.

Stanley Bernstein: Will there be a hearing? Of it is just going to be done by DEC period.

Whitney Singleton: I don't believe there is a hearing or that it is required. I could be wrong Stan. I can look it up.

Stanley Bernstein: I think that this Planning Board should take a stand on that remediation must take place on the entire property. From one end to the other.

Whitney Singleton: What we are talking about here is there has been no change on the Buckingham site in the past 30 years.

Stanley Bernstein: That is true but that doesn't mean it shouldn't change. It also doesn't mean that if Buckingham for some reason decides to not to pursue the matter and the next applicant has to be responsible for a remediation also.

Whitney Singleton: You are going to take a person and require them to clean up a site in a fashion that you are going to direct and what are they cleaning up? They are cleaning up what the Village put there.

Stanley Bernstein: It wasn't the village it was the City of New York.

Whitney Singleton: It was Village owned property.

Stanley Bernstein: The Village owned the property after acquiring it from the city. They didn't own it when the pollution took place.

Whitney Singleton: Whoever is the current owner...

Stanley Bernstein: Buckingham agreed to do it in order to proceed with the application.

Whitney Singleton: As a condition of approval. No approval has been granted.

Stanley Bernstein: He never came back. He agreed to something to remediate the situation on his property.

Vice Chairman Sturniolo: On his property, putting aside the fact that he never got an approval.

Stanley Bernstein: He never came back for an approval.

Vice Chairman Sturniolo: It never went that far.

Whitney Singleton: Perhaps I should look into it and report back to you.

Vice Chairman Sturniolo: On page two under attachment question is two questions section 6 and it starts off is 4th paragraph, all soil samples we submitted to a certified lab to be tested. Does that mean when it is being tested for mercury with a blind eye toward anything else that may come up in the testing, or is it mercury only regardless of what else they find. It is repeated again further down on another page.

Whitney Singleton: That is just for the mercury. There were a number of tests beyond the mercury

Vice Chairman Sturniolo: But the way that it is written it sounds to me that it is going to be analytically tested for mercury and I still wonder if that mercury tested mercury only or if something else shows up it will

picked up in a report over and above things like DOC's. Maybe that is a question we can ask.

Nanette Bourne: Sure. I will ask that .

Vice Chairman Sturniolo: My other question is page 7 in general and Austin weigh in on this one. It says the water filtration plant and the Leonard Park well fields are operated by United Water of New York and West Nyack. Is that accurate? Do they operate our well fields?

Austin Cassidy: I don't think ..

Anthony Oliveri: I believe they have merged.

Whitney Singleton: I did indicate that I the planner and the board that what they have submitted is consistent with...I just want to know that I am authorized from the board's perspective to make that decision.

Vice Chairman Sturniolo: Back to Stan's initial question about Buckingham ham.

Whitney Singleton: Right now the Buckingham or the owner of Buckingham is not submitted either an application nor does he, she or it require an application to DEC. particularly when there is little evidence that they have the same issues that the Crème site does. Stan's issue he would like addressed now rather than later.

Stanley Bernstein: Not necessarily it is just that it seems that they are missing the boat that it is going to be a Brownfield remediation by the state and I can't see why it can't extend throughout the entire property. Now there was settling beds on the Buckingham side. They agreed to fill it with concrete, four large tubs as big as this room that went down 25 feet. The agreed to do something. Now if there is a Brownfield remediation based on one part of this vast land why can't it continue to the other side.

Whitney Singleton: Because the property owner has not applied. Secondly they may not be eligible.

Stanley Bernstein: I understand that. Buckingham will eventually if he wants to continue with his application he'll have to submit a new application, it has been well over a year. They still have to remediate in order for us to accept that application.

Whitney Singleton: We just don't know whether what the cleanup will involve.

Stanley Bernstein: There maybe another Brownfield remediation.

Vice Chairman Sturniolo: Basically we have to give a nod to Whitney. DEC may go further that the issues that they listed here.

Whitney Singleton: Yes.

Vice Chairman Sturniolo: Does the outline seem realistic, by the first week in December?

Nanette Bourne: This is just the beginning of the process getting accepted into the program is the first step. And then doing the work

and then figuring out when to do the investigation and what works. It's possible but optimistic.

Doug Hertz: Motion to adjourn

Vice Chairman Sturniolo: Second.

Board All Ayes

Respectfully Submitted By,

Stanley Bernstein