

Minutes
Regular/Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, November 15, 2011

The meeting was called to order at 8:00 P.M. at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

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

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

Acceptance of Minutes:

October 25, 2011

Motion: **Stanley Bernstein**
Second: **Ralph Vigliotti**

All Ayes

Public Hearing

Arroway Chevrolet/Cadillac
175 North Bedford Road
PB2011-5

Present:

Scott W. Blakely, R.L.A., Sr. Vice President/Principal Landscape Architect, Insite Engineering
Vincent Franze, Franz & Franze Architects
Charles Martabano, Attorney for the Applicant

There was no one from the public in attendance for the public hearing.

Nanette Bourne: One of the questions of the staff has to do with parking. Either tonight or for the next meeting, it would be helpful for us and for the Board if you could provide in some respects a historical summary of what was approved, what is out there right now and what you're proposing. You are in an urban renewal zone. You have one of everything, in terms of parking, that is applying to you. The Board needs to have a clear understanding of how you are complying with which of the existing parking requirements.

Charles Martabano: That would be based on the prior approved site plan for this project. The approved site plan required 90 spaces, historically on record here in the village.

Anthony Oliveri: The approved site plan required 90, but I believe the approved site plan was 120 spaces.

Charles Martabano: That is correct; it was "required." We showed what we are doing in respect to the changes. We showed that we still have more than what is required based on our original required site plan. We agree on the history, but I can put it in writing.

Nanette Bourne: Please put it in writing in a table, so that we can look at the table and find those spaces on the drawings.

Anthony Oliveri: It also would be a good idea to define the auto display areas on the drawing, since the facing parking area is on that.

Scott Blakely: We have indicated the vehicle display areas.

Anthony Oliveri: You need to break it down in square footage when you do the analysis on the parking. The parking is based on display areas, sales, storage; maybe a breakdown of the display areas.

Charles Martabano: You're talking about the exterior or the interior?

Anthony Oliveri: Exterior.

Whitney Singleton: There is a parking requirement for exterior storage, and there is a parking requirement for exterior display, and there is a parking requirement for interior storage and interior display. Mr. Oliveri cannot decipher that based upon this plan.

Charles Martabano: I understand that. We will take care of that.

Whitney Singleton: Also, there is some concern of the Board relative to circulation within the lot.

Charles Martabano: We were going to show pavement markings on it.

Whitney Singleton: But it also showed on the last plan as being a fire lane. This plan does not show the fire lanes.

Charles Martabano: We will look at that and get back to you on it.

Nanette Bourne: Finally, we've seen the plans and your plan to enhance the landscaping. We were having a conversation about the landscaping that's there and what is proposed' also, what is on village property and what you're proposing. Rather than this just being an exercise, the Board is looking for this corner to become a very attractive space in the village, to the extent that this property, as well as all the rest of the properties, have really gone above and beyond in terms of landscaping. They would like to see what they're getting for this.

Charles Martabano: We have prepared a detailed planting plan that indicated a couple of large beds on that corner.

Nanette Bourne: We talked about those and there are two items. One has to do with what you're planting on village property in the public right of way.

Charles Martabano: I don't believe we are proposing anything in the public right of way?

Nanette Bourne: And, can you enhance the public right of way? The goal is to make this a showcase. Something that the village will really be proud of. This is a key corner of the village.

Vice Chairman Sturniolo: I'll be happy to ask the question. I'd love to see you get permission from the Village Board to do plantings on village property and enhance the overall look.

Scott Blakely: I believe the village property would be the right-of-way along Preston Way.

Nanette Bourne: Village, public or Department of Transportation (DOT) right-of-way. You need to look at it.

Charles Martabano: Are you asking us to get permission from DOT to plant in their right-of-way?

Nanette Bourne: It happens all the time all along North Bedford Road.

Charles Martabano: A lot of it on North Bedford Road is where you cannot possibly expand the road. For example, by the Shop-Rite shopping center, I know they talked about it there. Do you understand the amount of time?

Nanette Bourne: Do I understand? Yes, because we've been through it and it's really been very easy. Across the street, I can probably point to a half-dozen applications probably within the last couple of years.

Charles Martabano: How long do they take?

Nanette Bourne: A matter of months. As long as you are not doing anything that impedes visual impacts, the site lines, they are very agreeable.

Charles Martabano: It is certainly something I would be happy to discuss.

Whitney Singleton: I think where Nanette is going with this is that there is an overlay, as you know as well as anybody, of the CL zoning and the Urban Renewal district. The Urban Renewal district regulations have greater dimensional requirements for parking spaces and more generous building calculations, but one of the things that is supposed to be there is sufficient planting along this buffer so that you cannot see any cars.

Charles Martabano: That would be somewhat counterproductive.

Whitney Singleton: Understood, but taking the good with the bad and given the fact that the substantial majority of your client's property does not respect the buffer, I think it would be advantageous to you to take Nanette's advice and take advantage of that which is not yours to enhance for the benefit of the village.

Charles Martabano: I will discuss this with my client. My concern is that might be something we could say we could try to do if they grant

an approval subsequently. I cannot afford to have this take a number of months and delay approval of this site plan application for a while waiting for DOT to maybe or maybe not get back to me.

Chairman Cosentino: You would not be able to plant until spring anyway.

Charles Martabano: That is my point. I have to do the building. I might be able to do something about it being a condition "subject to," but I cannot be held up by a third-party agency where we're asking to use their property.

Chairman Cosentino: I think we would have to make it a condition because they couldn't plant right now if they wanted to.

Whitney Singleton: Mr. Martabano is proposing to not make it a condition of approval but if there is an approved landscaping plan on the public right-of-way, make it a condition of approval and he will pursue it.

Charles Martabano: That is right. I can give you a design that says, "If they approve it, I will build it." I don't want to be held up on my site plan waiting for them to approve it. I think that is a very reasonable request.

Chairman Cosentino: That is why I will repeat what I said. "As long as it's approved."

Whitney Singleton: He's not saying it's going to be approved.

Chairman Cosentino: What are you saying?

Charles Martabano: I'm saying we'll give you a plan based on what we know we can do on property over which we have control, asking for approval. If we show an additional buffer like Ms. Bourne is talking about on DOT property, I am willing to put a condition in there that I will do this if DOT approves it.

Chairman Cosentino: Couldn't that be a condition in the resolution?

Nanette Bourne: That is how we've been dealing with it.

Chairman Cosentino: My following question was, if it's agreed in the resolution, there is no way he can plant now, he wants his permit, but if it's in the resolution he has to do it in the spring.

Charles Martabano: Provided I get permission for them to do it.

Ralph Vigliotti: Prior to permission you would be presenting to the Board the landscaping plan, etc. It would be part of the resolution.

Charles Martabano: Exactly.

Vice Chairman Sturniolo: I'm not in favor of that conditional thing at all.

Charles Martabano: You cannot tell me that you are not going to approve a site plan if I don't agree to do something that I don't have permission to do, as it is someone else's property.

Vice Chairman Sturniolo: As Ms. Bourne pointed out, dealing with DOT up and down 117 previously has not been a big deal or a time-consuming project with planting in DOT as we heard earlier, as long as it does not affect site lines, etc. I do not want to be in a position that we approved of something and then all of a sudden DOT says they are not going to grant it. If they say no and it's already in the resolution, then that is a different story. I think we need to keep the ball rolling.

Charles Martabano: I think we're saying the same thing. I would agree to do it if they approve it. If not, it's like Plan A and Plan B. Plan A is my property; Plan B is my property plus DOT. The condition is I do Plan A, or if I get permission I do Plan B. If I don't get permission I cannot do Plan B, and it would be a condition that it is impossible for me to satisfy if I don't get permission. I think we're saying the same thing. I don't want to be held up on this approval. We have to move forward with this plan. If it is within my control I understand what you're saying. But it's not in my control to hold us up to go to a third-party agency and request permission, and when they get around to it they will approve it. That is an off-site approval in which I have no control. I don't think that is the right thing to do.

Chairman Cosentino: But we are saying that if it's in the resolution that you complete the landscaping that we will be looking at on DOT property, if it is not approved by DOT he cannot do it. Is there something that you put in the resolution to state that if he is not approved by DOT that it cannot be done?

Whitney Singleton: It's a function of what your Board will require. Mr. Martabano is absolutely right that his client has no control over the consent of a third party. Essentially, Mr. Martabano is saying, "I will do my best on behalf of the client I will show you a plan, but there are no guarantees that it will get built. We will seek it in good faith, pursue it in good faith with due diligence, but if it doesn't get approved it will not be filed. If we need something in writing, that could be incorporated into the resolution.

Vice Chairman Sturniolo: I still go back to Ms. Bourne's point. I am in agreement with her that we've done the same thing with numerous people up and down 117. They've waited for DOT approval to plan in the right-of-way, just like any applicant has to wait for DEP when they don't say yes or not on a particular project until they get an approval from the Planning Board. Is that a fair analogy?

Charles Martabano: No.

Nanette Bourne: I think we can craft the language to come mid-way. I think what some concern would be is that it would just be words and a handshake that we hoped the applicant would comply with. We want something that is more than just a "yeah, if I can." Rather than have this get blown out of proportion, you are hearing that the landscaping seems a little thin, and to the extent that you can re-look at your landscaping plan and enhance it, particularly how the edges are treated.

Scott Blakely: The other concern is snow storage areas.

Nanette Bourne: I will get to that. One of the things you need is a wetland permit, because you're going to be moving a wetland buffer for snow storage.

Scott Blakely: As it exists today.

Nanette Bourne: This technically is not terribly compatible with a wetland buffer. We are going to be evaluating that, and as we balance all of these things, we are asking for you to take another look at your landscape plan and see what you can do to embellish what you've got.

Charles Martabano: We can do that.

Ralph Vigliotti: Mr. Martabano, how soon will your team apply to the State for a permit to plant?

Charles Martabano: I will let Mr. Blakely work out the landscape plan. Perhaps he can bring in something where we don't even have to do that. I have to wait for Scott.

Scott Blakely: We will contact the resident engineer and talk to them in advance of the preliminary plan. We will probably meet them at the site and go through parameters on what we can and cannot do and then we will prepare a plan.

Charles Martabano: We will do that right away.

Vice Chairman Sturniolo: Mr. Blakely when you make that initial phone call and make that initial meeting at the site, please let the Building Department know where you are so we can follow your time line?

Scott Blakely: Sure.

Ralph Vigliotti: I was at the site. Again, I wish you the best of luck and hope all of this is going to happen at some point. I do have some concerns. There is a buffer in front of the building in which cars are parking within and my understanding is you can or can't? Please explain. Are you allowed to park cars in a buffer?

Whitney Singleton: They can park cars where it is provided on their approved plan. The buffer is intended to be an area where there is no pavement or buildings.

Ralph Vigliotti: I think within the buffer there is macadam, and there are cars parking along the front of the building in the buffer. If that is the case, I'd like you to confirm it, and if that's the case, then what do we do to insure that the buffer from the road is protected and is not again part of the site plan, meaning that you can park cars in the buffer?

Charles Martabano: Are you talking about on the macadam or on the grass?

Ralph Vigliotti: On the macadam. My understanding is that the grass does not end the buffer on that site. Part of it is grass curb and then there is some macadam. I don't know if it's six or eight feet, but there

are cars parked right up to that curb and within the buffer, cars should not be parked.

Anthony Oliveri: Part of what was shown on the approved plan as "auto display" now would be in the buffer area. I am not sure if that buffer existed or not at the time of the approved plan. It was not defined in the approved plan. If you extend that same area to that current plan, you're in the buffer area. There is asphalt pavement in the buffer area. It looks like you're including your auto display area within that buffer area.

Austin Cassidy: Are we talking about existing or proposed asphalt?

Anthony Oliveri: Existing.

Austin Cassidy: The site pre-dates the buffer provisions of the plan.

Anthony Oliveri: That's the question. Can they continue to do that?

Nanette Bourne: Can they expand?

Whitney Singleton: I don't see any parking in the buffer that was not previously there under the present site plan.

Charles Martabano: What we have now is what was previously approved. We have not expanded it at all.

Ralph Vigliotti: I didn't say you expanded it, I'm saying existing. If you go on the site tonight, there are cars, I believe, parked within the buffer.

Charles Martabano: As Mr. Cassidy was saying, since that approved site plan is not being changed pre-dates the code, it is allowed to continue.

Austin Cassidy: I believe it's the element of buffer in our village code. If there is a duly designated parking area or storage area for vehicles, it's allowed to continue.

Charles Martabano: The prior, legal non-compliant and prior legal non-conforming provisions of your code say that if it's previously approved and predates the subsequent enactment of a buffer provision, the buffer provision doesn't exist on the site.

Ralph Vigliotti: But is the site plan changing with the new addition?

Charles Martabano: Not that aspect of it. I do not believe we are enlarging it at all.

Ralph Vigliotti: It's frustrating that your client, and you guys are doing a great job representing your client, your client is abusing the parcel. Cars are parked in the buffers, in the fire lanes; cars are double and triple-parked where cars cannot even make ingress or egress. Its abuse and they have been abusing it for years and years. I want the new plan to improve designating and delineating where fire lanes are so people won't park there.

Charles Martabano: This is a new owner. This is not the prior owner.

Ralph Vigliotti: How new is the new owner? Is he there now?

Charles Martabano: Yes.

Ralph Vigliotti: I guess he's taken on the same mantra of parking. I encourage the Planning Board to get a site visit to get an understanding of the site. I would like the fire lanes delineated, striped and labeled and everything else. It's not the customers that are abusing the fire lanes. Its brand new cars parked in areas that are one-way and fire lanes. It has to stop.

Scott Blakely: We will look at the approved plan that I believe does indicate some type of fire lane.

Chairman Cosentino: I agree 100% with Mr. Vigliotti. If it's not marked, parking enforcement cannot go there and issue a summons.

Ralph Vigliotti: We did something similar to Boston Market; creating and asking them to mark out the fire lanes.

Charles Martabano: That makes sense and I hear what you're saying.

Vice Chairman Sturniolo: We are going to need a lighting photometric plan. Also, we should have those renderings updated to show the current lighting fixtures. Right now it shows none.

Charles Martabano: Wouldn't you want to see those on the site plan?

Vice Chairman Sturniolo: Yes, on there as well.

Stanley Bernstein: There is an aesthetic component involved, and they should be there.

Charles Martabano: We can do it.

Vincent Franze: They do exist on the other renderings we provided, of course, because they exist on the site. These are the images that show "before and after" from the North Bedford Road intersection with Preston and 117, and this is the view from Preston. These are actually photographs from those two perspectives that have been unchanged except for our essentially inserting the alterations to the building on the site and adding a couple of replacement trees that have died. Essentially, everything is here. The traffic lights, light poles. We can certainly add it. I just want to remind you that in response to some earlier concerns from this Board, we provided these that show exactly as possible a photo representation of what the building will look like.

Vice Chairman Sturniolo: Agreed on that, but if you could put it on here...

Vincent Franze: No problem, happy to do it.

Whitney Singleton: To clarify two points, I want to apologize for putting your foot in my mouth. The concern relative to landscaping, just from my familiarity with the site, shows there is a differential between what they have to take up with the village and what they have to take up with DOT. As you can see on the plan, there are

already some very mature plantings along the state right-of-way, and there are virtually no plantings along the village right-of-way. Are you asking them to present a plan for their property along the State right-of-way to enhance that or to propose something along the village right-of-way where there is currently very little?

Nanette Bourne: My thought was to give it another look and see where you can't, with reasonable effort, embellish and improve the landscape plan; and whether it is along the State right-of-way to kind of fill in between the mature trees to give some little interest, but maybe there is some treatment that would benefit along the State right-of-way and then look at along the Village right-of-way what can be done.

Charles Martabano: We will look at both.

Chairman Cosentino: Since you've been before us, I hear more about landscaping than I do the building itself. I guess you can get the message that the Board is really looking for landscaping. As Nanette said, you want to see a showpiece upon entering and leaving the town. Landscaping is key.

Scott Blakely: I will talk to Mr. Martabano and the owner, pull together a plan, look at it in-house and then maybe I'll set up a meeting with Nanette to review.

Nanette Bourne: What is the status of the Department of Environmental Conservation (DEC) and the wetland?

Scott Blakely: DEC has had some staff changes. Heather Gierloff from what I understand is now going to be doing the reviews again. We are trying to coordinate with her. We have the validation map prepared, so when Heather comes out with Steve, she will have the map. If everything is fine, she will sign off on that and we will then finalize our DEC wetland permit.

Nanette Bourne: So you're still hoping to get a site visit from them?

Scott Blakely: Correct, before snow fall.

Austin Cassidy: There was an expression of concern at the last meeting that while the gated lot serves as additional parking for the public, that is not readily identifiable. Perhaps you may want to think about a little way-finder, like additional parking or something.

Charles Martabano: When Mr. Vigliotti brought up the issue before about pavement markings, I took that to mean all of that; but, that's a good point. We will do that.

Scott Blakely: Those gates are closed at the end of business hours and opened first thing in the morning.

Chairman Cosentino: It was brought to certain people of the village the question if they are storing trucks back there. Are they storing trucks back there?

Vincent Franze: Storing trucks in what manner?

Vice Chairman Sturniolo: Commercial trucks.

Charles Martabano: Trucks that are not being sold or serviced? Third party trucks?

Chairman Cosentino: Yes.

Charles Martabano: Not to my knowledge. Absolutely not.

Ralph Vigliotti: What advantage of covering the second level parking will be to the overall site? Are you going to be able to move more cars out of that parking lot upstairs? What are you planning on doing with that large surface?

Vincent Franze: One of the advantages that we are excited about is currently that roof is a parking area. By enclosing the parking area, one of the thing it does is give us an opportunity to add some sustainable elements to the project, specifically solar energy; a photovoltaic system that would be perfect on that roof. It's a 75 x 300 essentially flat roof with a nice southwesterly sort of orientation. In addition, it will enclose the cars that are currently on a roof that is constantly subject to deterioration. As a parking lot, it is a concrete slab, but it is also a roof. Right now it is in bad shape, so it's leaking into the building, it is sheet draining off of that roof. It needs to be replaced, and it will continually need to be maintained and/or replaced over time. The idea being that if we enclosed that, the cars will be indoors, the slab will no longer be subject to the exposure and deterioration, and the storm water landing on the roof is now going to be landing on a roof and will be captured and handled in whatever way the storm water must be appropriately managed.

Charles Martabano: I think it will help the site management in terms of vehicles. Right now your storage vehicles up there can be impacted by snow storms, etc. None of those will happen anymore. You'll probably be able to get – I won't say it's a huge amount and I won't guarantee it – but you will probably be able to maintain more cars up there than previously simply by virtue of the elements. Therefore, more spaces down below will be freed up. Can I quantify that? I'd be lying to you if I told you I could. I think that is one of the things we are looking to gain out of the space.

Vincent Franze: Is not the current rooftop parking another legal, non-conforming?

Austin Cassidy: It is a legal, non-conforming use of the premises. By enclosing it, you're eliminating the non-conforming.

Ralph Vigliotti: How many cars do you think you can store up there?

Vincent Franze: I think the approved site plan indicates 85. This happens to be another legal, non-conforming condition that in fact, when enclosing that parking, might actually be able to remedy along with the other benefits that I outlined.

Charles Martabano: I think we will be able to get more cars up there on a consistent basis, which will free up space down below.

Ralph Vigliotti: I hope so. I've gone in there a few times over the last 30 years to look at cars, and one or two of those times I just drove

right out because I could not find a comparable place to park. It is not very welcoming to someone who wants to look at cars, because there is no place to park.

Charles Martabano: I think it will make it better, but I can't tell you exactly how much. It will be a big help up there with snow and snow storage.

Vice Chairman Sturniolo: The detailed analysis of parking storage, display, number count, the history, that whole chart that you're going to prepare – what type of vehicles are going to go on the roof? Vehicles that just came off the tractor trailer that have not been prepped, or are these going to be new, prepped vehicles as if they were in a showroom down below?

Charles Martabano: We will have to get that answer for you. I don't know it.

Vincent Franze: What is behind the question, if I might ask?

Vice Chairman Sturniolo: The approval of this process that you're in front of - Planning Board approval.

Vincent Franze: Your question is interesting to me. I don't have the answer.

Vice Chairman Sturniolo: If you could find it out.

Charles Martabano: We certainly will.

Vincent Franze: I was curious as to what was driving the question.

Chairman Cosentino: I thought when a car comes in, and it gets placed on the roof and someone wants to see it, they can go up on the deck and see it.

Charles Martabano: Obviously it's a good situation, especially with it being covered, to show a vehicle to a customer. I have to get the answer. I believe Mr. Sturniolo is asking if it's going to be like an interior showroom with cars ready to deliver, or is going to be that the car comes off the trailer and goes up on the roof. I don't know the answer.

Ralph Vigliotti: Sounds like all of those.

Austin Cassidy: The next meeting is December 13.

Motion to Close the Public Hearing and Keep Written Comments Open for Ten (10) Days

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

Motion of Intent to Declare Lead Agency

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

Whitney Singleton: With regard to your development coverage, I see that a variance was granted and I see what is being reduced in the rear where you have new landscaping and snow storage. Is there any portion of the site that is proposed for impervious surface or development coverage that was previously not developed or impervious.

Scott Blakely: No. There actually an overall reduction of impervious by roughly 2,000 square feet. But, there are areas that were previously green space that will now be hard scaped. Those areas were previously developed. We are not going into areas that were not previously developed.

Whitney Singleton: They were previously developed with coverage under the code?

Scott Blakely: No, they were previously developed. There are no virgin areas out there. We're working within previously disturbed areas, where we have some slight increases in pervious in pockets. Nanette's office had asked us to prepare a table. We have those numbers and will include that in our next submission.

Whitney Singleton: Also, clearly there is a distinction between vehicle display areas and vehicle storage parking spaces. I do not believe that you're proposing anything for parking that was previously shown as a display area. Is that correct?

Charles Martabano: We need to figure that out.

Whitney Singleton: I mean in the buffer area.

Charles Martabano: The buffer area – no.

Whitney Singleton: What should be the 20 foot buffer area – you are not proposing any parking space in there that were previously buffers, is that correct?

Scott Blakely: We are not.

Charles Martabano: Definitely not.

Ralph Vigliotti: But you are parking cars in that buffer area?

Whitney Singleton: They are displaying cars in that area, not parking.

Ralph Vigliotti: Actually, they're stacking. It's really interesting. You have two display areas in which no one could squeeze past any of those cars if they wanted to see what they really look like. They are

really stacking areas, and they are not display areas. So you have two display areas that are currently being used as stacking areas. If there is eight inches between the cars, that is what it is. I don't know the difference between a stacking area and a display area.

Austin Cassidy: There was actually a distinction drawn by this Board over 20 years ago, coming from the chair at the time, for this exact property, seeking a distinction of door handle to door handle vehicle passing. It has a low ability for anyone to ever park their car and go see something because of the way their massed; therefore it would have a very low parking requirement, something like 1 per 2,000, and there was the outdoor display area where it was the intention for people to come and park their car somewhere and walk around independently to examine cars on the property. 1 per 1,000 square feet was worked out at that time for this exact site plan.

Ralph Vigliotti: So if it was based on display but they're stacking, what are we basing it on?

Austin Cassidy: The door handle to door handle arrangement is that you cannot really get people in. That has a very low parking requirement of 1 per 2,000 square feet. The greater space is the display area, where it is more available for people to come in and walk around and look at cars. Even if they are tight, they are at least enough room to look at cars.

Charles Martabano: I did not know the answer to that question, but I am fascinated by it.

Austin Cassidy: The logic of the chair was that typically in an auto display there are seven or eight cars inside. When you look at the zoning formula, it would say, "display areas, 'X' amount of spaces per feet." But that really was not the case because of all the cars on the property that people would come and park to go see.

Charles Martabano: I do understand the rationale. If a dealership is on street level and has car storage in the back below street level, no one would go.

Chairman Cosentino: We will place this on the agenda for December 13.

Nanette Bourne: If it's on the 13th, it would have to be that we have enough time to review your submission, which would include your photometric, enhanced landscaping plan and parking comparisons.

Austin Cassidy: Do you need all of that information or just enough to have a conversation and review.

Chairman Cosentino: We are really working on the landscaping and it's very important to this Board. You can bring the lighting in if you have it done. Landscaping is very important.

Charles Martabano: I think you made it clear that it's a primary emphasis.

Nanette Bourne: How you work your parking out will really form how you will deal with your landscaping. Those two should be tied together.

Scott Blakely: What exactly is the Board looking for in the photometric lighting plan? We have existing light fixtures out there.

Vice Chairman Sturniolo: A photometric plan of what the existing light fixtures are putting out and the details associated with that.

Scott Blakely: That's fine.

Austin Cassidy: Are you proposing any changes? New fixtures?

Scott Blakely: We're shifting three fixtures 10 feet.

Austin Cassidy: If you can project any anticipated change in light distributions with some degree of accuracy would be helpful.

Scott Blakely: One of our options is to try to dig up the information on the existing fixtures and re-create a photometric plan. The other is to take a light meter out there, which we have done in the past.

Vice Chairman Sturniolo: What have your light meter readings been?

Scott Blakely: We have not done any at this location. We've done it on other projects where we take their readings in a grid pattern throughout the parking lot.

Charles Martabano: If he cannot get the details on the fixtures themselves, they will do an actual measurement with a light meter.

Vice Chairman Sturniolo: We will put this on for the 13th under continuing review.

Continuing Review:

**Northern Westchester Hospital Center
400 Main Street
PB2003-02 D**

**Steven R. Doherty, AIA - Associate, SLAM Collaborative
Michael Caruso, Vice President, Facilities - Northern
Westchester Hospital Center
Scott W. Blakely, R.L.A., Sr. Vice President/Principal Landscape
Architect, Insite Engineering**

Michael Caruso: Since last month when we were here last, we went before the Architectural Review Board (ARB) and sought their approval, which they gave us. We also have a meeting scheduled on the 30th of this month to sit with the sub-committee to review our lighting. Right now we are here before you with an amended site plan, which the Board asked us to do at our last meeting, to incorporate the changes on landscaping and the overall site plan.

Scott Blakely: I would like to start with the overall site plan and landscape plan. This updated landscape plan shows the site layout. The building stays in the exact same location as previous, there are some minor modifications.

Chairman Cosentino: Wasn't the ARB a conceptual?

At this point, students from Columbia University Site Planning Class came forward to see the presentation by Northern Westchester Hospital Center.

Austin Cassidy: You made an appearance before the Architectural Review Board to discuss aesthetic changes. Please give a brief synopsis.

Steven Doherty: Our last presentation to the Board was reviewing options of the elevations with and without the intermediate column covers at the spandrels. One of the reasons we were proposing eliminating them was a cost issue, but that cost issue was related to the openness of the structure. If we left those intermediate spandrel enclosures in, we would have needed to go to a mechanically ventilated garage. We presented to the Architectural Review Board, and they "approved" the conceptual elevation of the garage without those interceder's. When we say that conceptual, we also presented to them materials for the garage, which again were approved in concept.

Scott Blakely: The exterior façade of the building is modified by a few inches, just because of the new facing material. There is a slight change in inches on two of the faces. The north faces basically remains the same as far as the site goes. We have an egress set of stairs in the northwest corner, which leads to a sidewalk and then to the main stair tower or elevator tower with access across this crosswalk to the main walkway. The main access into the garage is in the same location as previously approved. The St. Mark's access is in the same location. The limits of the retail parking in this area stay within the confines of what was previously approved. After discussion with the Board, we have lowered the finished grade along three sides of the building in order to get that openness along the sides. There is either a knee-wall or a parapet wall on three sides, from the finished grade on the inside of the garage which comes up 42 inches. On the outside of the garage we've graded three feet above the garage slab. There is a six-inch exposed wall around the three sides. Basically, we've lowered the finished elevation around these three sections of the buildings by about ten feet. We have also re-graded this rock slope, the slope to the rear and the slope in this area. We have maintained the planting areas that were previously proposed. SLAM has revised the landscape plan. This is our revised grading plan. The grades are fairly identical. Previously we had a three-on-one slope in these two areas, but in order to maximize the buffer areas, we "steep-end" it to a two-on-one slope so as not to go further back into the buffer areas. We will stabilize that with plantings of a seed mix that will be mowed twice a year. The one modification that we did make, because we lowered this area in the back, the drains that were back here previously flowed to this drainage. Now, because we're ten feet lower, the elevation of the existing system does not allow us to bring these this way, so we're bringing these back this way. We have modified the direction in which the drainage from the garage goes. We have mimicked the previously approved conditions on the drainage. In conjunction with this, we've updated our sediment erosion control plans. Also, there is a site layout plan that was done by SLAM.

Michael Caruso: All of that is in an effort to continue in our path to get your board's approval for the site plan amendment. We will then be

able to move forward with our design. Obviously, keeping the lighting is a separate topic. We are moving forward with that with the sub-committee so that we can get the design complete, go out to bid for it and hopefully be able to start construction in the spring of 2012, and ultimately so we can have the parking garage open for the spring of 2013.

Doug Hertz: The original discussion was that it was very expensive to do all this excavation to get around this. It seems to me you're doing significantly additional excavation.

Michael Caruso: Actually we're not.

Doug Hertz: You're grading this back now so that it's open all the way.

Scott Blakely: Correct. We are lowering the grades around three sides of the building.

Doug Hertz: Isn't that excavating?

Michael Caruso: Since our original submission, we learned that we have additional borings that were completed out there. The borings were drilled down and a geotechnical engineer interpreted them. We found that the bedrock exists in very shallow depths. We stayed away from that main core area and chose to do it along the perimeter and take up as much as the area of the perimeter; not go in the core where all the rock is, and still maintaining the same overall parking count. We have the cost estimates that will back all of that up, where you can see the original ones.

Doug Hertz: So you didn't go down as deep?

Michael Caruso: Not in that center core. If Walter Parking (primary designer for the parking structure) were here this evening, they would be able to provide a more detailed answer for you.

Doug Hertz: I am wondering where you didn't dig.

Steven Doherty: For one whole level of the garage. If you remember, we had the upper level, which you can see from the hospital campus; the main level and then there was a below grade level, which is what we are trying to open. Then we went down to the retail level which also went under the garage and we were carrying the stairs and elevators down. We've eliminated that whole area, so we were able to bring that whole portion of the building, which is within this bay, to bring that up a full story; ten plus feet.

Doug Hertz: Where did the rest of that parking go?

Steven Doherty: We've accommodated it within. We reconfigured the way the retail parking was and we moved the barrier where the hospital to retail was. We've been able to maintain the approved retail parking count. If you remember, we were trying to provide more parking than was actually required. We have offset some of those numbers and eliminated that lower level. What ends up happening is the excavation of the steep slope around those sides has increased, but that has also been offset by using a conventional pre-cast garage

construction. We do not have to do cast-in-place foundation retaining walls, which has offset the cost in other ways.

Doug Hertz: Thank you.

Austin Cassidy: Is the design of this being for any future loading of the structure – if you have any significant increase in demand for parking needs in 10 or 15 years.

Michael Caruso: Our original master plan showed two parking structures on our site. Therefore, the answer to that is “no.”

Austin Cassidy: It is not designed for future growth?

Michael Caruso: Future loading would only be if there was going to be PV panels put on top of it or something such as that, we made sure the structure would be able to support that but no additional decks above.

Anthony Oliveri: On the site plan submission, there was another sheet with the drainage profiles. You should amend that as well. In terms of the slope that you’re creating, I think there was maybe an engineered slope stabilization detail on the original plan. Are you planning to do that on this two-on-one slope?

Scott Blakely: I think there was a note on the drawing that said anything over a three-on-one had to be mechanically stabilized with some type of fabric. That note will remain on the drawing.

Vice Chairman Sturniolo: What is going to become of the strip of commercial stores on the western side?

Michael Caruso: We have no plans to demolish them. They will exist the way they are, and we are providing the required parking for them to stay as is. They are not all leased out. As you know, we have our current construction manager in one of the stores, we plan on having a new construction manager that will be overseeing this project for us also occupy the area which is the same amount of retail that is there. They are not long-term leases there, but right now we have no plans to do anything.

Whitney Singleton: How did you calculate the parking requirements for the retail space?

Michael Caruso: We did that in conjunction with this Board and with everyone here. At the time, it was based on the square footage. The numbers came out at about 90-something. I believe this Board agreed to the overall number we have now, which is in the 60-something, or based on what is currently leased there. Again, Conte’s does not belong to Northern Westchester Hospital Center.

Whitney Singleton: So you are not providing parking for Conte’s?

Michael Caruso: No, we do not provide parking for them. We do not have anything in writing to provide parking for Conte’s. We talked about it. They actually brought it up during one of the Public Hearings because they were concerned about it, but there is nothing in writing as us being the landlord that we need to provide them with parking.

Predominantly they get a lot of their business after hours, most of the retail is closed. Those 60 spaces will be available. Again, I cannot say, "yes, they are allowed to park there."

Whitney Singleton: Going to the issue of sufficient amount of parking, I was under the impression that they had the consent of the hospital as a pre-condition to their operation of a restaurant.

Austin Cassidy: It was offered on this floor by counsel for the hospital at the time that happened to be in the room for a hospital matter on the same agenda, and that was incorporated. If memory serves me right, it was the outside dining.

Whitney Singleton: It could not operate as a restaurant otherwise.

Austin Cassidy: I wouldn't be quick to go that route without checking the record, at the very least, the matter before the Board at the time was the outside dining. I do specifically remember that. There was a one might say a cavalier offer from the floor for the hospital to provide supporting parking.

Chairman Cosentino: If I'm not mistaken it was Leonard Mochet, counsel for Conte's. There was some kind of an agreement. It was not a long agreement. This was ten or twelve years ago. This must be checked into.

Whitney Singleton: Have you calculated that based upon the existing uses and the square footage of the building or with a gross rate for the building?

Michael Caruso: Because it was done a number of years ago, I will have to go back and check.

Chairman Cosentino: The 62 spots you have are all predicated on how many restaurants. Now it's Chinese and Italian. The more places you put in the more demand for parking you are going to have. You need to be careful of who you rent that to.

Austin Cassidy: You can increase parking but not reduce it.

Chairman Cosentino: Since we reduced it from 92 to 62, anything new that goes in there should come back to the Building Department for us to look at. If another restaurant goes in there, we are going to have a problem with parking.

Michael Caruso: I know the overall, as the landlord for that area, this parking structure and the hospital operations certainly mean more to us than increasing any retail type of space there. I can say it here, unequivocally, that we will certainly consider limiting what we would put there.

Steven Doherty: To clarify that number where we talk about an increase or a reduction in the retail parking, I think existing retail parking is 36 spaces, requirement based on square footage of retail was up around 90 spaces. Everyone agreed that / 60 was the right number.

Chairman Cosentino: When we did that, restaurants were not there. It was a pharmacy and a liquor store. It has changed since then, so the decent thing to do is come before the Building Department with your proposal and it can be discussed. It is not to your benefit to put something that is going to take up all the parking.

Michael Caruso: We can certainly do something like that. It will give the board along with Mr. Cassidy that what qualifies what is going in there is not going to have a big demand for parking. The most important thing for Northern Westchester Hospital Center is taking care of our patients and making sure we have a place to park them. Hands down, that will not be an issue.

Nanette Bourne: This is rock that you're going to put grass over?

Scott Blakely: That is rock that is going to have an exposed rock face.

Nanette Bourne: On one of these it says a "no-mow" seed mix in disturbed portions?

Scott Blakely: We are anticipating rock. We did a series of borings for the wall, and it's the same concept. That is why we've done additional borings because during the first phase of the project we had borings done in the back, which hit boulders and not solid bedrock. We were under the impression that we were going to have a rock slope behind the hospital on the ring road. We ended up with a soil slope, and that's why we had to come back to the Board for the wall design. If there is any exposed soil here versus rock, that will be seeded with a "no-mow" mix.

Nanette Bourne: You are putting in a new catch basin and on your planting plan you have some existing trees, so you're going to take those out?

Scott Blakely: I'd have to look at the planting plan. Those are proposed trees.

Nanette Bourne: So these are three proposed trees?

Scott Blakely: Correct, on the right.

Nanette Bourne: You have the dumpster here, and this walkway is for what purpose?

Scott Blakely: That walkway exists.

Nanette Bourne: And, you're going to take it up and replace it?

Scott Blakely: That's correct.

Nanette Bourne: And the purpose of it?

Scott Blakely: These show the access doors to the rear of the buildings. The majority of these retail spaces have access from the front and the rear. We have handicapped parking here and handicapped access ability from here up onto that sidewalk, which does not currently exist.

Nanette Bourne: How are you going to remove the rock?

Michael Caruso: As we did for the construction of the Emergency Room, we plan to blast there. We came up with a blasting plan following the protocol of the village. We did get away with not blasting to build the Emergency Room, but because geo-tech has told us that this rock is fractured, we are going to have to blast. That is our present plan. There is a significant amount of notification to all the residents in a certain radius. It's a costly endeavor, and we plan on using the same company as we did for the Emergency Room. Obviously they are familiar with it. We need to go through the process again. You have to check foundations in all the houses to make sure whatever cracks existed, you have to photograph it, etc. That is all time, and time is what we are up against right now if we anticipate spring construction.

Nanette Bourne: It is interesting for other projects. We tend to think that blasting is the more invasive, and it's in some respects a lot more civilized if you've ever had to listen to ----- camera.

Michael Caruso: When we did the Emergency Room, we had plans to do overhead announcements where the surgeons would stop operating at that moment. These are things we have to think about, and this is how details those plans have to be. The good thing about it is that it's pinpointed and fast.

Stanley Bernstein: I am very much in favor of the hospital and how important it is to Mount Kisco. I will do anything in my power to get this project going and I am also cognizant of the cost problems. I am very, very disappointed in the look. The first iteration was an office building, now it looks like a garage, which I imagine we are going to have to live with based on the cost estimates and projections. I want you to know that I am not happy with the look.

Austin Cassidy: Before we put this on the next agenda, the lighting needs to be completed and the additional sheet on the site plan with the profiles.

Vice Chairman Sturniolo: We will have a lighting report ready for the next meeting.

Michael Caruso: I was planning on giving my consultants the go-ahead to get our design completed.

Chairman Cosentino: You will come back for lighting. We want an amended site plan approval.

Nanette Bourne: Do you want a two-step with an amended site plan approval with lighting to follow?

Chairman Cosentino: Yes. The lighting has to follow.

Whitney Singleton: You want to separately approve a site plan component for the parking structure separate and apart from the lighting.

Chairman Cosentino: Yes. Vice Chairman Sturniolo and Mr. Hertz will be working separately on the lighting. You cannot hold them up, so it

has to be two separate things, unless you want to word the resolution differently.

Nanette Bourne: I can do an amended site plan resolution that reflects that it excludes the lighting which is forthcoming.

Chairman Cosentino: If we can have that for the next meeting for approval that would be favorable.

Doug Hertz: I will make the same comment that I made two weeks ago. Nothing in the approval should tie our hands with regards to whatever solution we come up with for the lighting. It's at the client's peril.

Whitney Singleton: I would suggest in regard to the parking, there is an historic problem with the St. Mark's Plaza Building. I foresee a situation where there is going to be an allocation of parking and then a hodge-podge of uses within the building. There needs to be an allocation as to the maximum permitted number of spaces required under our code so that at any point in time the building department can verify that there is 3,000 square feet of restaurant, 2,000 square foot of pharmacy, etc. Not that it is just sufficient for the hospital uses. The hospital will make sure that the hospital parking will work for the hospital. They are double-parking all over the street at St. Mark's Plaza. We need an actual allocation of uses.

Chairman Cosentino: The resolution will be prepared for the December 13th meeting.

Vice Chairman Sturniolo: On the meeting of the 13th, Mr. Hertz and I will do a short presentation of what was accomplished at the meeting of the 30th, with various options and ways to go as we previously discussed, to keep everyone up to speed.

Austin Cassidy: How much of the retail parking inventory is readily accessible to the general public? I ask this specifically for not only the reasons of management by use and minimum parking requirements, but also latitudes that you would want to have for successful reasons to go beyond the minimum parking. More importantly, there has been an issue in the last few seasons where parking areas that border the town park are having people parking and walking into the park, which allows them to bypass a community permit check. You may want to have a game plan for management should that be discovered as a 60-space facility.

Michael Caruso: All 60 spaces are allocated for the general public. We will certainly look into that and come up with a plan. Our security staff does travel there and we look on behalf of hospital parking; we will make it one of their requirements.

Ralph Vigliotti: Are you doing anything to the retail as far as the façade and plantings to give it a new look?

Michael Caruso: We have no plans for that as of now. The only plantings that we have are within the areas we are disturbing.

Scott Blakely: Ms. Bourne will work up some language in the resolution with regard to parking. Is it possible for the hospital to get an advanced copy only to review it?

Nanette Bourne: Yes, if you can provide me with your summary of the parking that looks at what was approved so we can prepare notes. The resolution giving you your original approval does not outline all the parking that you were describing. Those were on your plans.

At this point, Chairman Cosentino recognized the Columbia University students present this evening. They are second year students who must attend a suburban Planning Board meeting required in their Site Planning and Development course. Ms. Bourne acknowledges that their professor for the course is her business partner, John Feingold.

Conceptual Application

Timber Ridge Condominiums Armonk Road PB2011-9

Present: R. Barry Goewey, Goewey & DeMasi AIA Architects, PC; Architect for Timber Ridge Condominiums

R. Barry Goewey: Good evening. Timber Ridge is located right off Armonk Road, right across from Ben & Jerry's up on the hill. It's been there for about 34 years. Looking at these pictures, you will see there are 45 existing decks on the backs of each of these units on eight buildings. Currently they cantilever out from the back of the building five feet, and they have sagged through the years. The decks have been in a state of repair. As you can see some of the decks are of a different design and they would like to bring it altogether. The older decks do not meet the present code. They are proposing using a trex material on the decking and use the railing detail accompanying with the trex decking, thereby making it all continuous in the design for all the decks. In addition to repairing the decks and replacing them, they would like to extend the decks five feet. Now it's a five foot deck for each unit, and they are proposing to extend them a maximum of five feet out, across the unit, putting privacy walls between the decks. Unfortunately, the zoning has changed since the original approval in 1977. There have been three changes in the length of time of this project. This was originally designed in the 1967 ordinance, which this complies. They then changed in 1984, and it still complied. Now, a requirement which notes that if you abut a single family lot, the setback is 80 feet. With 80 feet, the buildings don't even comply. This side of the property is City of New York; I don't see how that to be an 80-foot requirement on that side.

Austin Cassidy: To clarify, that is classified as "residential" in our zoning, and it is actually now village land.

R. Barry Goewey: The recorded survey said it was City of New York.

Austin Cassidy: It's residential in class if you look at the zoning.

R. Barry Goewey: But the single-family lots are primarily in the back property line. In any event, what the applicant would like to seek is a variance to permit of not going any closer than the 30-foot, which was

the original setback on the rear property. We would like to get a variance to proceed with the deck improvement.

Chairman Cosentino: There are a lot of them in the village, which obviously 35-years ago, were meant to be small. Times have changed.

R. Barry Goewey: I have a theory of the new code which is, if you really look at the new zone, which is called an RM-12, in that zone it also allows churches, rectories and religious schools. In that sense, if you're going to have that kind of use, I can see an 80-foot setback.

Chairman Cosentino: Except they don't have to come before us.

R. Barry Goewey: This is primarily residential. It is actually quite a nice setting up on the top. I think it is a reasonable variance to ask and to be granted. It is a hardship in a sense that it is imposed by the village.

Austin Cassidy: Not to go through the zoning argument here, but when you say "new," I do need to qualify that RM-12 is 1987.

R. Barry Goewey: According to the data that I received from the town, it was updated in 2010.

Austin Cassidy: You will find a calendar date for the RM-12, and it's general setbacks are the same from 1987. Taking that fact, it is highly probable – at the very least logical – that a significant percentage of the people that now live there acquired it post-1987; acquiring it going in knowing what the conditions were. Buyer beware. That is still not an argument for this board. This Board needs to know, if they so desire, to take a posture one way or the other when you go to the Zoning Board of Appeals on this, is that you want to have an informed decision.

Chairman Cosentino: Before they go to the Zoning Board of Appeals, does this Board feel the idea for what they want to do, for their quality of life, is agreeable for this Board to extend their decks? They would not want to go to the Zoning Board of Appeals without a blessing from this Board. Does this board like the five-foot extension on each deck?

Austin Cassidy: It is a very substantial dimension.

R. Barry Goewey: It's an area variance. It is not a use variance.

Austin Cassidy: It is still very substantial.

R. Barry Goewey: I don't think it's substantial, if you look at the buildings and the area.

Austin Cassidy: The buildings themselves in some cases are in the setback and extend even further.

Chairman Cosentino: Again, we're talking zoning here. Let's put the zoning aside, as this Board cannot help you with that. I would like to recommend to this board a site visit to see for ourselves.

Vice Chairman Sturniolo: In Mr. Cassidy's note to us, it states, "in a case of about half of those (49) units, not jus the decks but the dwelling units themselves are substantially in setbacks, particularly along the eastern edge." Are you saying that at the initial construction of these decks that they did not follow the "at the time" setback compliance?

Austin Cassidy: At the time it was constructed, it complied with the then code. The code has since changed. The change that we're looking at dimensionally goes back to 1987 and has been that way ever since. That created a non-complying situation all over the property, with respect to the buildings and their purposes, including the decks. The code is very clear; in zoning it has to be a black and white discussion. No new non-compliance can be created. There is no choice but to deny this from my office. The whole question at hand is, if they so decide to exercise their right of appeal to the Zoning Board of Appeals, it's nearly fatal for anyone to go for substantial variances like that if the Planning Board is in opposition.

Vice Chairman Sturniolo: I understand that, but when they began construction, it was compliant?

Austin Cassidy: Yes.

Doug Hertz: The average size deck is currently what, and will change to what?

R. Barry Goewey: The average deck comes out five feet and is probably about ten-foot long. We now want to increase it to 10 x 20, the average width of each unit. Some units are 18, some are 22, so it varies.

Doug Hertz: We are going from 50 square feet to 200 square feet approximately.

R. Barry Goewey: Yes. If anyone has been out on a deck, a 5 x 10 foot deck is not very much deck.

Doug Hertz: The reason I'm asking; is it going to change the character of how the decks are used and therefore change what the impact of that rear setback is going to be. If those decks are used in a substantially different way because all of a sudden you can throw a party on them instead of having two people and a grill on them, it might have an effect on what it should be and the relationship between what happens on those decks.

Chairman Cosentino: I don't think you can have a grill on a wooden deck.

Whitney Singleton: When were the decks approved? I see they were not on the original plan.

R. Barry Goewey: It was on the original plan.

Whitney Singleton: I'm looking at the 1977 site plan.

R. Barry Goewey: I have a record set for the building permit and the decks were on it. The record survey shows the decks on it as well.

Anthony Oliveri: They were cantilever decks. Maybe that is what is shown.

R. Barry Goewey: This is the record survey in town and it shows on that.

Whitney Singleton: This is a signed site plan, and it doesn't show it.

At this point, Mr. Goewey showed Mr. Oliveri and Mr. Singleton his records.

R. Barry Goewey: They were always on the plan and they were on the record set for the building permit. The building permit was issued with a set of drawings that was signed off for a building permit with the decks.

Anthony Oliveri: This is a survey – this is the approved site plan. That's the difference. What was approved before the Planning Board in 1977 was this plan, which did not show a deck.

Discussion followed regarding what was shown and what was built.

Ralph Vigliotti: Mr. Cassidy, can they extend the deck without going before any other Board to 20-feet? 5 x 20?

Austin Cassidy: In some cases, no; in some cases, maybe.

R. Barry Goewey: There is only one building. This is the city's property.

Austin Cassidy: It doesn't discount it – it's residential.

R. Barry Goewey: But that is not a single lot. The zoning ordinance says, "A single-family lot." These are single family lots. It just really affects these three buildings. As I say, the expansion, which is what the decks in which the old code went, is within the 30-foot which is what was required at the time.

Vice Chairman Sturniolo: The current expansion that you're proposing is within the 30-foot 34 years ago?

R. Barry Goewey: Yes.

Chairman Cosentino: The concept is favorable; I don't have a problem with that. I do believe we need to take a site visit. Also, you need to go before the Zoning Board of Appeals.

Vice Chairman Sturniolo: I have nothing against the concept as well. I'd like to do a site visit and wish you well with the ZBA.

Whitney Singleton: One of the things that Mr. Cassidy points out in his memo is that he has not done any analysis of the site. Before your board makes a recommendation one way or the other, know that they are proposing from what was last approved, to what is out there now an additional 10,000 square feet of decking. I do not want to find out that the variances being sought exceed that.

Chairman Cosentino: As long as it is favorable with the ZBA, two members of this Board agree with the concept. Mr. Goewey needs to be compliant with the Zoning Board of Appeals as well as the Building Department. That is what we are here for tonight.

Austin Cassidy: You may want to think about taking a position of no opposition to exercising their right from the Zoning Board of Appeals, not taking statements from the Board. Again, you've got a slippery slope issue of "me too's" elsewhere.

Doug Hertz: Having a site visit makes a great deal of sense. Conceptually it sounds fine, but we need to really see if putting decks back there will have a change in the nature of the use of the property.

At this point, a site visit was planned for Saturday, November 19, 2011 at 9:00 AM. Mr. Goewey requested that he be notified of the visit, as he would like the president of the condominium association to be present.

Mr. Bernstein questioned where the Town of New Castle property began and ended, and Mr. Goewey illustrated that on his map.

Correspondence:

- Mount Kisco Beautification Committee Minutes October 5, 2011.

The subject of Outdoor Dining, the Planning Board 2012 Calendar, and the Planning Board Rules of Procedure fro 2012 and the Appointment of the Planning Board Secretary will be placed on the agenda for the next Planning Board meeting for discussion.

Vice Chairman Sturniolo: I was a proponent of the outdoor dining modifications to the village code at the time the former Brass Horn restaurant was before us. My sense was there was not a lot of support from the Planning Board to pursue it.

Chairman Cosentino: Let's put it on the agenda for discussion in January.

As there was no further business to be discussed by the Planning Board, on a motion by Mr. Vigliotti, seconded by Mr. Bernstein, the meeting was adjourned at 10:05 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm