

Minutes
Planning Board Meeting
Regular Session
Village/Town of Mount Kisco
Thursday February 10, 2011

Meeting called to order at 7:45 P.M. at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

Members Present: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Sol Gibbons
Stanley Bernstein

Members Absent: Doug Hertz
Ralph Vigliotti

Staff Present: Anthony Oliveri
Nanette Bourne
Whitney Singleton
David Stolman

Staff Absent: Austin Cassidy

Stanley Bernstein: I move that we accept the minutes both December 18, 2010 and January 11, 2011.

Sol Gibbons: Second

Stanley Bernstein: Aye on the motion.

Sol Gibbons: Aye, on the second.

Vice Chairman Sturniolo: Aye

Chairman Cosentino: Aye

Board All Ayes

Conceptual Application:

- a. **Gallin Design Studio (Canine Kindergarten) – 333 N. Bedford Rd – PB2011-1**

Michael Gallin, Gallin Design
Jim Diamond, property owner
Elissa Cohen, Canine kindergarten

Michael Gallin: We are here for a conceptual review for Canine Kindergarten, which is interested in occupying the out building, the southeast corner of the property. One of the few remaining pieces left in the puzzle that will make up the redevelopment of the site.

Chairman Cosentino: That would be the old garage repair shop, correct?

Michael Gallin: Yes. I believe the library had stored stuff there for a period of time and now it is vacant. Canine Kindergarten under that

name currently exists on Ice House Road at this location. (Referring to drawings) What they would like to do is relocate into that garage and expand their space to accommodate and better serve their clientele in accommodating additional dogs. Elissa will be able to speak much better about the operations of the business. I will speak briefly about the implications in terms of the site plan of the use. I am going to start here with the site plan. As previously approved here is the building. We had been approved for parking in this location and in this location (referring to site plan), anticipating that this building would be used, have a handicap parking space here and access to the building. As part of the Canine Kindergarten use they require an outdoor play area for the dogs to be able to go outside. So the proposal is to eliminate portion of the parking in this location. Which is what is being shown here and create a fenced in area where the dogs can go outside. There are roll up doors on the south side of the building, and it would allow the dogs to run from inside to outside in nice weather. We are also showing a modification on the western side of the building here to create an area where cars can pull off to the side of the road to allow for quick and easy drop off the dogs without actually occupying a parking space. There is a minor reconfiguration in this corner where we are proposing a small rolling dumpster to handle any of the refuse that is generated in the location and some minor changes to the sidewalk. That impact is a reduction in impervious surface, minor reduction.

Chairman Cosentino: The dumpster will be closed in as per our code?

Michael Gallin: Correct.

Chairman Cosentino: Are you going to have overnight accommodations for the dogs?

Elissa Cohen: Yes. Only inside. We do something very unique; we do not cage or crate the dogs at night. We actually have a staff member that sleeps in the room with the dogs at night. It is like a big pajama party for the dogs. They are all in the same room with couches, beds, TV. They sleep with the staff member in bed with them or on the couch, futon. They are tired after playing all day.

Chairman Cosentino: In the summer the dogs are not going to be left out either.

Elissa Cohen: Never. They never sleep outside at night; it is always indoor. During the day we let them out and they are supervised when they are outside too.

Chairman Cosentino: I was asked a question and I have to ask this. Dave you said something about parking?

David Stolman: Michael can explain the parking.

Michael Gallin: We can jump to the parking right now.

David Stolman: Have you seen the memo Austin wrote. Basically this would be a permitted use, and it is not to have any outdoor holding, storage, or kennels. I do not know how this is handled, but they go out they play and they come back. They are not there for any extended period of time.

Elissa Cohen: They go out for a while, they play and then they come back in. That is only during the day. At night once we are shut down for the night they are never outside. The next morning they out and play, things like that.

David Stolman: I guess we are going to have to ask Austin what he means by holding and storage and kenneling of the dogs.

Elissa Cohen: I would interpret it as having crates or kennels outside that you are going to put a dog in.

Chairman Cosentino: Storage of feed, or dog food.

David Stolman: We are talking about the dogs actually, but it sounds like you are not doing that.

Elissa Cohen: We are not doing that.

Jim Diamond: The outdoors is almost identical to children day care centers, where the children go out to play and come back into the interior room, inside the premises.

David Stolman: So the resolution could stipulate that and make sure there is no overnight kenneling of dogs outside.

Elissa Cohen: Absolutely. We would never think of doing that. That is not our business model.

Michael Gallin: It seems to us the closest use for this in the zone was limited personal service issues. Based on my, and briefly on Austin's memo that was the conclusion that he came to as well. Under that use there is relatively a requirement for parking. it is 1 space for every 150 square feet. As Austin outlined very clearly, that is really based on the notion that people come and are on premises as there are getting that service. This case is a little different because it is really drop off. The dogs don't have cars. As Austin suggested it might be more appropriate to come up with a different standard that consists of the use. For the purpose of the conceptual application we took a more conservative approach and simply plugged the numbers in based on the personal services requirement of 1 per 150. We ended in the requirement of 43 – 44 parking spaces for the dogs that are already at that requirement level. This is way in excess of what we are anticipating. Because of that we end up per code with a deficiency shown on our chart. We would like to discuss with the board whether or not there be another way of looking at it so that the parking requirement to be more consistent with the anticipated uses.

Jim Diamond: The current location on Ice House Rd. has got the 2 parking spaces for visitors. There is some addition staff parking in back. The two drop off places for visitors and I drop my dog off on a regular basis and almost all the time I have either dropped off or picked up and I am the only one in the space. You really pick up your dog for 30 seconds and then you are gone. So it is 2 spaces in your current location.

Chairman Cosentino: I have to agree with that data because this is a different type business altogether. It is not that it is training for boxing or some kind of sports arena. They are going to go there park and stay. I drop my dog off and I leave and come back later and pick him

up. I assume this is this same thing. I think the parking that you came up with is more than is needed. I think my fellow board members would agree. I think the count is way off only because of the need.

David Stolman: Especially the code then allows for shared parking based on different operations. You know the diagram you have done before, Michael, with the colorful parking lot. I think you could show probably the best way of describing it. It not only is colorful but accurate as well. The colorful one that you did showed different peaks.

Chairman Cosentino: If there something more that would have been more of an impact you would have had less parking for any utilization, a gym of something else. The fact that it is low there is going to be more parking left. It allows for more parking.

Whitney Singleton: What was the parking requirement that you were proposing?

Michael Gallin: It wasn't actually proposed. My proposition would be to come up with a number that would reflect actual anticipated usage. We can base on their operation of how many, and they have outlines that are pretty detailed, anticipation of drop off rates and number of employees. We can in number of employees, plug in drop off, and pick up and come up with a number that is consistent with the area.

Chairman Cosentino: Why don't we do this?

Whitney Singleton: I have had no prior discussion on this with Austin, so I am not clear.

Michael Gallin: Neither did we.

Whitney Singleton: Limited personal service establishment as being the most analyzed I am a little concerned about the Veterinary Clinic. It is for dogs as opposed to humans. That has the parking requirement in half of what you are talking about.

Chairman Cosentino: It is a permitted use and does have half the count. We talked about that.

Whitney Singleton: I am not clear. Limited personal service establishments specifically say that it is related to humans.

Jim Diamond: It does?

Whitney Singleton: The definition. I would think that, and it is the building Inspectors call, but I am a little confused as to why he said this. Have you had any further dialogue with him?

Michael Gallin: I did not have further dialogue with him.

David Stolman: So the requirement is exactly one half?

Whitney Singleton: Yes it is 1 per 300 square feet.

David Stolman: He would be a lot closer if he used that standard.

Michael Gallin: It would be a deficit of about 3 or 4 spaces. It would still be an excess of what we would need.

David Stolman: The math the number showed was 14.

Elissa Cohen: To be honest with it is probably on the high side. It will be that drop off and pick up. We obviously need the parking for the staff, and I think we had the max of 7.

David Stolman: There are different ways to make this work.

Michael Gallin: We are open-minded; whatever the board is more comfortable with.

Chairman Cosentino: How many dogs will be there a day?

Elissa Cohen: Generally about 50 a day care and perhaps another 25 for the night.

Chairman Cosentino: So you are talking about 75 dogs?

Elissa Cohen: They could be there at any one time.

Chairman Cosentino: That is a lot of dogs.

Elissa Cohen: Right now in our current location we are about 30 dogs per day.

Chairman Cosentino: This is more than double area.

Elissa Cohen: We are not looking to double the dogs.

Chairman Cosentino: What is this about 5,000 square feet?

Jim Diamond: It is around 6,000 square feet. You can see here in this building they are just in a corner of the building. (Current location)

Chairman Cosentino: I am saying if there are fifty dogs there are going to be fifty drop offs, but they are going to be leaving.

Elissa Cohen: Yes, they are not going to park. It is probably not fifty because a lot of people bring more than one dog at a time.

Chairman Cosentino: Someone would bring the dog there to stay in the morning and pick it up at what time.

Elissa Cohen: Usually the drop off are about 6:45 am to 9:30 – 10:00 and the pick up is towards the end of the day usually between 4:00 – 7:00pm.

Chairman Cosentino: That is usually when the gym is busy.

Jim Diamond: I think we have seen the evidence and they have been open two weeks and what I have seen is very similar to what they have predicted. Their peak is really 9:30 – 10:30 am. There is definitely some overlap. The gym has peaks and valleys throughout the day. Lunchtime there is a group of people that come in and people that come at the end of the day.

Chairman Cosentino: I didn't see many cars parked in that area either.

Jim Diamond: It has been working great. Obviously there is a noticeable increase in the number of cars in the lot. Ice House Rd. is working very well. We have plenty of open spaces and we are really operating at a deficit right now with parking spaces available with the massive amount of snow we have had. We have lost a lot of space with giant mounds of snow piled up throughout the property.

Chairman Cosentino: I saw that. You have more than double the size.

Elissa Cohen: It is probably triple. We are not trying to triple the dogs.

Chairman Cosentino: Dave you are saying that we can accommodate the few parking spaces.

David Stolman: if the use is changes to Vet Hospital or clinic that brings it down, and maybe we can use the shared parking section of the code. I think that we have parking covered.

Chairman Cosentino: I do not have a problem with this and I cannot speak for my board members.

Stanley Bernstein: I think that it is an excellent concept and very efficient use of space. I do not think that there will be any conflict.

Chairman Cosentino: Tony how do you feel?

Vice Chairman Sturniolo: I don't see any major concerns. If I may direct out attention to the last bullet point in the conceptual review memo. I don't want to hammer the point home because I am not necessarily a strong supporter of this document. The last point about the easement, Anthony. Is that a concern collectively for us?

Jim Diamond: The irony of that point in the memo that we just saw for the first time tonight. I literally had a conversation with Michael two days ago about the same thing. I asked him to look at the feasibility of our opening up this drive aisle. Eliminating the fence here and adding curbing up to this area. (Referring to site plan). We literally started looking at this two days ago with the thought that maybe it makes sense to look at the feasibility. I thought that we would come back some time in the future with a subsequent application, because we wanted to look at grading. We think in the preliminary that it makes sense. The idea would be to open this up add a nice landscaped island on either side of the drive aisle up to about 75-100 feet, then having that lead up to Rt. 117. One of the things that we like about that is that it provides direct access into the parking lot that was specifically for the town soccer field. So it helps to continue to strengthen the identity of that field and would provide another means of egress from the property for anyone who wanted to take a right turn, which we think would be beneficial. We are looking at that and we hopefully will come back at a future date. I don't think it necessarily needs to be tied, and I don't think there is anything with this particular application that ties directly into that.

Vice Chairman Sturniolo: I agree.

Chairman Cosentino: Sol anything?

Sol Gibbons: I have no problem.

Chairman Cosentino: This is just a conceptual. Did you have anything Tony?

Vice Chairman Sturniolo: I am just saying Thank You and I think it is a worthwhile project and I would be supportive 100% of it.

Chairman Cosentino: You have the blessing of the board.

Anthony Oliveri: I have a couple of comments on the site plan.

Chairman Cosentino: Let me finish. This is only a conceptual so I am sure you re going to come in with something and you will have to go to ARB on this.

Jim Diamond: Yes, we will.

Chairman Cosentino: I would start that process now. With a landscape plan, we want you to dress up the building and make it look nice like what you have done across the way.

Anthony Oliveri: I have a couple of things; the parking on the south side does not look like it is going to work. These people on the end would probably back out of here. You might need some sort of hammerhead in there.

Michael Gallin: We have a 26-foot clearance between the parking spaces.

David Stolman: You need a back up area.

Anthony Oliveri: I am not sure that is going to work. When you come in with the formal we are going to need a full sized plan, and I need a little more on grading. I am not sure how the drainage is working. Is this a manhole on the south side or a drain?

Michael Gallin: It is both.

Vice Chairman Sturniolo: That is the same inlet that was initially used to capture the additional run off water.

Michael Gallin: From this you can see the dotted line that is going in this direction, that is the major pipe that was put in four or five years ago when we started this whole project, to alleviate all the flooding on the property. So the water comes to this drain and enters that pipe and then goes back toward...

Anthony Oliveri: Please show some the grade.

Michael Gallin: Will do. The intention it will be to maintain that existing drainage.

Anthony Oliveri: Silt fencing will need to be added. It says landscape area is fenced it. Is it going to be stabilization of the grass?

Michael Gallin: We are going to work with the operators to figure out what is the most appropriate. Clearly we want something that is sustainable there, with the dogs running around out there. The grass I would imagine it is going to be brown immediately.

Chairman Cosentino: Did you ever see a dog go on black top, pavement?

Elissa Cohen: Yes.

Chairman Cosentino: Mine won't.

Elissa Cohen: It depends what they get use to when they are puppies.

Chairman Cosentino: You are getting dogs of all types. You are not getting puppies all the time.

Elissa Cohen: No, I am just saying they will get use to it.

Chairman Cosentino: My dog is a Prima Dona. If he doesn't have grass he won't go.

Elissa Cohen: There are some dogs like that. Generally what we find out happens when they are in the pack setting with the other dogs, they see the other dogs going and they kind of follow suite.

Chairman Cosentino: So you are telling me you are going to have asphalt?

Elissa Cohen: I am probably going to keep asphalt outside.

Chairman Cosentino: You are going to have to wash it down?

Elissa Cohen: Yes.

Chairman Cosentino: Where is it all going to go?

Elissa Cohen: There is a drain there.

Michael Gallin: There is a drain there.

Stanley Bernstein: There is a lot of square feet of impervious surface. That doesn't make me too happy.

Anthony Oliveri: They end up increasing the imperious surface. You have got to address that.

Elissa Cohen: It is paved already.

Michael Gallin: We will clarify the drawings to reflect what you want.

Elissa Cohen: We will go back and look at that.

Anthony Oliveri: You've got the same impervious surface. You may loose a little grass area in the front. It might very well balance out.

Chairman Cosentino: I don't know how to word this, but I will do the best I can. Where does all the feces go?

Elissa Cohen: We bag it.

Chairman Cosentino: So you pick it up? It doesn't go down the drain.

Elissa Cohen: Absolutely not. We pick it all up and bag it.

Anthony Oliveri: That probably should be addressed somewhere in the resolution in the conditions and on the plan. That is a concern. Is there any lighting proposed for the site?

Michael Gallin: there will be lighting on the face of the building. We will submit that.

Anthony Oliveri: There is a standard for the garbage enclosure, concrete block with finishes to match the building. It is not in the code but it is a policy standard for the village.

Chairman Cosentino: It is not something new.

Anthony Oliveri: That is about all I have.

Chairman Cosentino: I have nothing else.

David Stolman: If you could tie the traffic that you have provided so far into the overall traffic analysis in some way. It does not have to be too elaborate.

Michael Gallin: Ok

David Stolman: A couple other things that pertain to the site in general. Would you explain, you have seem to have added a use Cucina Antica.

Jim Diamond: Yes it is a different tenant but the same type of use. I don't know if everybody remembers the Wine Enthusiast was a rectangular space here, but they had this expansion area here. They decided they did not need the expansion area. It was called the expansion area because it was for future expansion, which they decided they do not need. We have released that space to Cucina Antica, which is a pasta sauce and pasta to super markets, to Whole Foods and Trader Joe's. It is unbelievable good pasta. I highly recommend the pasta and the sauce to everybody.

Chairman Cosentino: Can you go there and buy it?

Jim Diamond: Not right now. It is not a retail store. It's their corporate offices and their warehouse. It is primarily a warehouse for the sauce.

Chairman Cosentino: So you can't go there.

Jim Diamond. At some point they may let people buy stuff. It is their corporate office.

Whitney Singleton: Was it in Bedford Hills?

Jim Diamond: Yes it was in Bedford Hills on Harris Rd. Now it is at 333 N. Bedford Rd. It is neat stuff and a great company and they are looking to expand. Over time you may see them going with salad dressings and other stuff.

Vice Chairman Sturniolo: So It is warehouse pasta, which is analgous to warehouse wine.

Jim Diamond: Yes. The use did not change, only the tenant.

David Stolman: There is more office then there was previously.

Chairman Cosentino: You have to petition this off to put it there right?

Jim Diamond: We did.

Chairman Cosentino: You had to go for a building permit.

Jim Diamond: Exactly. We have a building permit and C of O for the space.

Chairman Cosentino: Ok.

David Stolman: Just an update. We had a conversation with John Collins today. You may be wondering the DOT is reviewing the final plan for the north access drive in terms of the left hand turns, no left hand turns and that pork chop and the channeling of the access. Also the DOT asked John for a new synchronize analysis. That should be available in about two weeks.

Chairman Cosentino: So they are working on it?

David Stolman: Yes.

Jim Diamond: I have an update to that. I sent john a note right before this meeting. I believe I received in the mail today the permit from DOT for those no left hand turn signs. It is a package quite thick and John confirmed it that is exactly what it is. It appears from my first re-reading that it is the actual permit to do the work. They had requested one additional sign be added.

David Stolman: Four no left hand turn signs in total.

Jim Diamond: That sounds right.

Vice Chairman Sturniolo: Is the SEQR analysis is strictly for that one light?

David Stolman: I am not entirely sure. At least for that light, if not more. I can get the answer for you.

Vice Chairman Sturniolo: Because I think the last time we were looking at it, the Village had expressed a concern about the overall traffic flow up and down Rt. 117 over and above if there were to be a traffic light for a left hand turn at the northern end into 333 N. Bedford Rd. Obviously that would not be an obligation on the part of 333. If the Village wanted to see what the other traffic lights are doing. I am just wondering where John is approaching this from, globally.

David Stolman: This is not something that the Village has asked for. When we sat up there with Rich Gilman of the DOT and warned John to do a SEQR analysis for that whole area.

Chairman Cosentino: This is DOT's expense.

David Stolman: I don't know who is paying for it.

Chairman Cosentino: Somebody needs to find out; we are not going to pay for it.

David Stolman: They are not looking for you to pay for it.

Vice Chairman Sturniolo: Nor the applicant.

David Stolman: John is doing it.

Jim Diamond: Hopefully it is not us.

Chairman Cosentino: It better not be us.

David Stolman: I'll talk to John and find out who is paying for it.

Vice Chairman Sturniolo: This question came up about who's check book is going to be opened up to do this synchronize analysis.

David Stolman: Not the Village's that is for sure. I thought it was our bill.

Vice Chairman Sturniolo: Just so I am clear do we need another memo from Austin clarifying the Veterinary use versus the previous memo?

Michael Gallin: We just need to know what to submit, to make sure that we get everything.

Chairman Cosentino: In a nut shell what we are having here is Canine Kindergarten which currently exists on Ice House Rd and they are moving around the corner to triple the size, more dogs. They will be inside and they will not be outside. They will be housed inside and that will be a condition.

Elissa Cohen: They can go outside during the day.

Chairman Cosentino: We do have neighbors across the street and I hope the dogs barking do not disturb the neighbors across the street.

Elissa Cohen: One of the things with barking, we do not allow the dogs to bark and bark. It is not a kennel where you put a dog in a crate and leaving them there. The dogs are playing and engage with each other. There is always staff where the dogs are and if we do have dogs that excessive barkers we do reject them. It drives the other dogs crazy.

Chairman Cosentino: There are still neighbors there.

Elissa Cohen: We have the same situation in our Verplank location where there are houses around us. We have never had one complaint and we have been there six years.

Jim Diamond: At their current location you cannot hear them.

Chairman Cosentino: I just wanted to bring it up for the record.

David Stolman: We just have a question at this table. It may be that we did not hear what you just said because we were conferring. Is there an outdoor area at your current facility?

Elissa Cohen: There is but it is small. It comes out onto Ice House Rd., not very far. We do let them out. I don't think there are any concerns about the barking now. As I was saying in our other location in

Verplank where we do have a large outdoor area and there are actual houses near by. We have not had one complaint in six years.

David Stolman: This is adjacent to commercial uses.

Michael Gallin: Correct.

David Stolman: Michael getting back to your question about the use. I think I emailed Austin a while back and I asked him if he thought this was a personal service use because that was how you characterized in your application. He said that he thought this is the way he and Nanette had characterized this use traditionally. We will find out for you.

Michael Gallin: Regardless as long as the board is amenable to the off set parking utilization we can get the numbers straight.

Chairman Cosentino: Just keep a memo about the barking of the dogs. We may have to put something in the resolution preventing then we have some power over that for the neighbors. It probably won't be a problem that we will have to address. If we do have to address it we want to.

Elissa Cohen: That is fine.

David Stolman: So far we have poop and barking in the resolution.

Chairman Cosentino: Does anyone else have any questions or comments?

Stanley Bernstein: As designated skooch of this board I have to say once again. You are going to be researching easement one. Through no fault of yours, we lost the five-acre wetland to the south. You are aware of that. There are various means of correcting it; most of them are fairly expensive, probably born by you if you decided to do it. At any rate I urge you and wish that you would study the problem while you are studying the easement one and perhaps you could come up with some nice engineering, interesting inexpensive, method of restoring our lost wetlands.

Michael Gallin: By re-irrigating it?

Stanley Bernstein: You know you made that big pipe, what was it 36 inch pipe?

Michael Gallin: I don't recall.

Stanley Bernstein: You took the ocean, the "Diamond Ocean" out of there and sent it down to Branch Brook. This is ok. At the same time we lost our sheet flow across, because of the berm that was put in by the Village, I have to admit it. We lost our sheet flow and now nothing goes through the wetlands any more. I am just asking you to study it. Spend ten minutes and maybe you can come up with something. I appreciate that very much.

Michael Gallin: Will do.

Chairman Cosentino: Gentlemen, you are going to make application and come back. I don't know what we have on the next agenda of the

22nd. I don't think that you can be ready. So we will put them on for the first meeting in March.

Michael Gallin: That would be great.

Jim Diamond: Thank you.

Formal Application:

a. Nicholas Vece – 293 Lexington Ave – PB2011-3

Nicholas & Lucia Vece – Applicants

Chairman Cosentino: My understanding is that you are putting a dental office into the old candy store was, Pure Indulgence. Parking is less than the chocolate shop. The use is permitted. Do you want to add anything to that? I understand that you are going to have one dentist there, one hygienist, and one assistant. Hopefully you will build this up within a year.

Lucia Vece: We are hoping with two patients and four professionals.

Chairman Cosentino: The only reason why they are here is because the resolution, (correct me if I am wrong Nanette). If the resolution called for any change of use, they would have to come back before the board.

Nanette Bourne: Actually any change of tenant.

Chairman Cosentino: They would have to come back before us that is the only reason why the Vece's are here. I would like to expedite this. Tell me what we have to do.

Nanette Bourne: The concern that the Planning Board has is the balance of the use and can be accompanied by the parking. The parking on site is slightly less that what is required. We have to be careful balance on peak hours. To date it has been working fine. You have had several years to watch how it has been working. The balance will be there with adequate parking to meet he demand. It doesn't appear from Planning or Zoning or parking demand there doesn't seem to be any obvious issue with this use that would be occupying the use formally.

Chairman Cosentino: The only thing in the resolution that we need to change is the...

Nanette Bourne: What we have been doing is just memorializing that this is the tenant for store 7 and that the expectation is as the applicant has just stated.

Chairman Cosentino: Does anyone have any concerns, I don't.

Board Response was "No"

Chairman Cosentino: We can vote on this tonight then.

Nanette Bourne: If you want to vote it tonight I can put it into a resolution for ...

Chairman Cosentino: This way he can go ahead and get his building permit and start doing what he wants. Does someone want to make a motion here?

Vice Chairman Sturniolo: Mr. Chairman I would be happy to make the motion predicated on the formal application of Nicholas Vece, 293 Lexington, that we approve the change of tenant into the property at 293 Lexington Ave., predicated on the issues of there are enough allocated parking spaces and storage spaces and everything conforms to the original site plan resolution with the overall property of 293 which is composed of multiple tenants.

Stanley Bernstein: Second

Vice Chairman Sturniolo: Aye, on the motion

Stanley Bernstein: Aye on the second.

Sol Gibbons: Aye

Chairman Cosentino: Aye.

Board All Ayes.

Chairman Cosentino: Would you notify Austin Cassidy that this has been approved and they will stop by to submit their building permit application.

Vice Chairman Sturniolo: I have a question. So we need to notify the property owner of the decision tonight?

Chairman Cosentino: They (Vece's) will notify them. Dr. Vece, you will notify the property owner that you were approved?

Nicholas Vece: Yes, first thing tomorrow morning.

b. KH Realty II, LLC – 130-132 Main Street – PB2011-2

Ira Grandberg, Architect

Jim Attwood, property owner

Ira Grandberg: We are here tonight, since we are the new architects for this project and we are requesting some use modifications to the building and would like to go over with you a bit the history without boring you, hopefully. We are going to show you what we have done to the building and why we are doing it and why we think that it would be an enormous asset for the village. Mr. Attwood will give a brief explanation why we are here tonight and what his needs were.

Jim Attwood: As you recall last time we were in front of each other you approved the plan we had. I would have hoped by now we would be well under construction. One of the things that you left me with and we talked a lot about was the idea of a back entrance. Making the building functional with a back entrance. In the discussions and conversation with our previous architect we had some disagreements and decided to part ways. Ira was recommended to me as somebody that understood the town very well. Fortunately he is right across the street from the building but also was very creative on these things and has had a lot of experience with restaurant, food establishments. So we started talking and realized that the backdoor was critical of course but it also opening up our thinking to some other things we should do. I think we

concluded that maybe we were trying to cram too much into this building with the offices up stairs. We re-conceptualized it all and simplified it and that what we are hear to talk with you again tonight.

Ira Grandberg: The store right now has a very small storefront. The back is like the rear end of a western town. Yet we all remember when the Brass Horn was here. It was always a community restaurant and everyone enjoyed it. I thought it was packed all the time. It was a place to gather and there are a lot of high-end fancy restaurants in town and I think a little exclusionary. The issue we took on was how a place can survive over there. By being across the street we have seen so many places go out of business so quickly. A restaurant, clothing store, it doesn't matter in a year they are out of business. We tried to understand first, what is it that this building doesn't have? What could we provide it with and hopefully to give us a starting chance to make this a success. So we were pitching the idea to him that the second floor had an office space.

Vice Chairman Sturniolo: A question. The last time when you were talking about the food, the preparation the cuisine and the take out stations is this going to be more of a formal white tablecloth restaurant?

Jim Attwood: Yes, upstairs. Downstairs will be the counter where you can buy food, sort of a grab and go type. We are going to have a couple of tables downstairs where people can sit down and have their salad or something like that. As we thought about it we just realized we didn't think it was going to work the way we had it before. That we now would have a really nice elegant space on the second floor, absolutely tablecloths, and table service. Another little thing is we did move the bathrooms from the basement now up to the second floor. We have moved the office, because now it is a small office for the restaurant not a commercial office that we might use for a third party we would put that in the basement.

Ira Grandberg: Also I might add the food service and the quality take out food that they are known for stops at dinnertime. Nobody goes there. So when that stops the restaurant kicks in and other than the parking that was approved which we feel we have not gone over. We are talking about approximately 35 more seats on the roof and if you run the numbers in a comparable way its maybe the equivalent to maybe 12 more parking spaces. However that is what we are asking for that there be a seasonal permit issued and if there are any problems with parking that you can revoke it. So that the issue of increasing the parking because we are using the roof area that is six months of the year might be mitigated by seeing how it works out. We think that is a viable way.

Chairman Cosentino: It is also important to know that we are not anticipating the roof is going to be an extension of the restaurant. It will be more for cocktails and finger food. There will not be tablecloths on the roof.

Vice Chairman Sturniolo: Light snacks.

Ira Grandberg: What we are doing on the roof so you can see is the stair bulkhead is running along this edge. (Viewing plans). We are extending this out to have a little service area where we might have a grill and we might have prepared foods, so that you can enjoy it. We

are also proposing to put the bar right under the arch so as to view the sunsets. I don't know if you have been at the Red Hat on the Hudson or other places. It is very pretty. It is not like we all have to sit at a bar, but it has to do with overflow for the restaurant, or people can just go up there in the summer time. It is not just putting tables like you would on your patio. It has to be a financially viable enjoyable place to be. The reality is this. A builder has been higher, geo technical services have begun in the basement. We have found an enormous amount of water under this building. To mitigate that we will be building a foundation within a foundation, because there is a builder and because there is food service and there is already a permit on the building. We are asking for some relief so we can continue the project if the overall presentation is something the town feels comfortable with.

Whitney Singleton: Can you repeat that?

Ira Grandberg: I don't think I can. We have a permit to build what was approved. We have a builder prior to us getting involved. They have started the Geo Tech services and just about finished. We have the cellar re-engineered for them, and we don't want to stop the process going. He has already spent four of five months to reach this point now. We were hoping that there could be some relief so that we can maintain our design building the shell of this building and then do amendments with Austin as we move forward. We will naturally get permits as we need them, but we would like to keep the ball going.

Vice Chairman Sturniolo: It looks classy to me.

Stanley Bernstein: I was not at all happy with the original back entrance. As you can probably see there were a lot of questions and a lot of problems involved. It was kind of a compromise because we wanted the applicant to go ahead and start. It was there and presented to us and I agree with you that it is so pretty. This clearly a big improvement not only is it an improvement in esthetics, it is improving in concept. What is that cornice made of, copper?

Ira Grandberg. It would be either pressed galvanized painted, because I have done a lot of restoring. One of the things my firm did when we were in the city was historic preservation. There are different firms that can replicate that or it can be done out of a new material caked an AZACK, where you can paint it accordingly. We can make it look like it has been there forever. Pressed metal, basically tin.

Stanley Bernstein: Now the mechanical on the roof. We discussed the mechanicals. Is it pretty much conventional.

Ira Grandberg: It is conventional but we are trying to make it so there is less units on the roof and we are enclosing the units around behind the perimeter with the same stucco finish that we are going to have on the bulk head. We have already been around the building looking at site lines. You barely will see the bulkhead at all because the Crane building is so high up and it is going mitigate to be the same color as the Crane Building.

Stanley Bernstein: I wasn't speaking to much of the aesthetics you'll come back for that. Mechanical operation whether it is up-to-date. Will it be environmentally up-to-date, high efficiency, but a standard type unit.

Jim Attwood: The units for the kitchen itself.

Vice Chairman Sturniolo: From the sidewalk level when you are looking up the roof top and you are having cocktails. What would you actually see if you're looking up?

Ira Grandberg: The whole roof area it will be a bent aluminum frame painted, bronze finish. It will have ribbing on it, which you can see from here. Then we are going to use a material called Kalal, which is an insulated polycarbonate. It will be a canopy; it will not be open air. It will be open air on all sides. The idea will be some radiant screening and it will feel when you look underneath see filigree like a green house effect.

Vice Chairman Sturniolo: Will there be any down lighting in the canopy?

Ira Grandberg: We were thinking and we are not there yet. When you go to Bellizzi under their awning is a very small low wattage bulb on heavy-duty romex, I thought it would make it very European.

Vice Chairman Sturniolo: It would somewhat tie in the rooftop to a lower portion of the building signifies the restaurant. Anthony I guess you have a lot of thoughts and questions especially about the basement.

Anthony Oliveri: Not really the basement that is more of a building department review. We did have a memo on this and I don't know if you got a copy of it. Basically and I see a site plan and you are going to need to include the detail that were on that site plan to match. One thing I do notice the curb cut for the trucks...

Inaudible Moving plans over mic.

Anthony Oliveri: The issue of it being close to the corner point I am not sure of the variances.

Ira Grandberg: This is being used as a van for the store.

Vice Chairman Sturniolo: How often do you use the van?

Jim Attwood: There is catering.

Anthony Oliveri: I don't know if that is really the issue. The issue being the curb cut is close to ten feet to the corner point, if the zoning is correct.

Ira Grandberg: It is predicated solely not a justifications predicated to get the van out of the way so that we keep the building clear.

Anthony Oliveri: That was the major points.

Ira Granberg: I am not sure governmentally what we do in a case like this?

Inaudible plans moving over mic.

Nanette Bourne: I actually had a memo that did not make it into the packet. A couple of issues that I saw on the plan, some of them are

insignificant. Some of the square footages don't match. I was looking at the floor square footages from the last one; they don't match up with what you have here. Not significant, but you should clarify that, both the numbers should be the same. Some small discrepancies bordering on your site plan don't match what is on the table. Nothing significant but they should match. Going back to the last plan, did you get approval from the Village Board to improve Village land?

Jim Attwood: Yes. We actually fully negotiated the license agreement with Whitney.

Nanette Bourne: Are you changing that? Landscaping, it appears you are. So the details for that need to come before the Planning Board and you will need to get that modified by the Village Board.

Ira Grandberg: Will that hold us up moving forward?

Chairman Cosentino: No.

Nanette Bourne: There is a slight change in your building coverage and when you say it exists to the proposed is that existing as approved?

Ira Grandberg: I believe the existing was approved.

Nanette Bourne: You are increasing that.

Jim Attwood: The existing coverage, we have to cut back the existing coverage to the...

Ira Grandberg: The 73% before, we are doing 74% now.

Nanette Bourne: This is in a designated main street area.

Jim Attwood: I'm sorry was that building or development?

Nanette Bourne: I don't know how you left it with DEP the last go around. I think we have to think of how we do this. I love Red Hat and nothing more than going up to their rooftop and having a soda. This is very similar to that and it is a wonderful environment. As wonderful as it is there is still a concept that you cannot automatically vary and I think you will think about how to implement this. You don't have the ability just to say lets see how it goes parking wise. We have to think that one through. I will pass it to Whitney on how to deal with this existing plan that was approved that is going to evolve into this new and better plan.

Whitney Singleton: First of all DEP. My understanding is that you are not increasing your impervious surface, correct?

Ira Grandberg: We are altering. In fact we are lessening the impervious surface.

Anthony Oliveri: It is a reduction from the original.

Whitney Singleton: I would just be careful what box I opened with them. With regard to the parking I agree with Nanette and how this thing moves forward, not that it is relevant I have confidence in the architectural plan, but I think it is something that we are going to have to look at carefully. Joe while you were out of the room for a moment,

Ira had raised the question about how do we keep things moving? If there was an existing condition, or a field question or the basement condition, that exist downstairs, that they wish to deal with, and as a field condition perhaps that is something we can deal with Nanette and Anthony, as far as remedying the problem. As far as changing the entire architecture of the building now, that is something that needs to be taken care of by your board.

Chairman Cosentino: You have to admit one thing. There isn't a building in the village that would look like this. This is beautiful. We depend on you guys to make it work. You do whatever you have to do to make it work. That building is beautiful.

Whitney Singleton: I think that this is very interesting use. The way we have seen in certain application within the village, whether it is the enclosed, it is the bumping out of the outdoor dining and the enclosure of the bumping out of the outdoor dining.

Chairman Cosentino: We are not enclosing it.

Whitney Singleton: No. Moving the outdoor dining on the sidewalk and then the outdoor dining on the private property, we've seen people really trying to push the envelope with what can be done. If you were going to create an entire new floor area that is open to dining without any commiserative common in parking requirement I think you are going to, and it is very enticing and a wonderful design. I think that you are going to have to be very careful throughout this slope that you're getting on. I would like to see this building, which has been eyesore for a long time improve and improve to how you are proposing it. I think again that you are going have to be very careful of on a going forward basis.

Chairman Cosentino: With the parking?

Nanette Bourne: I think we need to our heads together and think on how to move this forward.

Chairman Cosentino: We have no problem with you doing what you have to do to make this work. I think the building itself should be there, its gorgeous. What would be better, what was there before or what we see now.

Nanette Bourne: There is no disagreement.

Ira Grandberg: Before when it was a take out food service there were no defined restrictions on time or use of building. When this is a dinner facility that food service will be shut down, so they have be to some balancing between, and it is not like an outdoor café if you go to the Social and you are eating there and it is constant. This is a slightly different situation. I don't know if that is a hook to start looking towards. Our first design put an outdoor café in there within our property line. We made a decision that it was nicer for the community not to have shared with a panel truck but put it up on the roof. I am not saying that it answers everything you are bringing up but at least it's a balance of use, not a constant use in the building. It is a variable use.

Chairman Cosentino: If there is a possibility and we don't put ourselves in the corner, I think we should find something if we can to make this work. If we can't it better be a good reason.

Whitney Singleton: I think Nanette, Austin and I should discuss the matter a little bit further. There is something else that is going on here that I don't want to get into a discussion about. There are a number of non-compliance issues with the building in its current condition. I don't want to trigger in the board's review. I think we need to discuss with Austin exactly how he did this thing and how we can move forward.

Chairman Cosentino: If Austin reviews this any differently why did he not put it in his report?

Whitney Singleton: I don't know.

Chairman Cosentino: We can only go by his report that we get before we come here. According to his report he didn't have too many things.

Whitney Singleton: Let me just review what was said. Your board likes it, it is going to be a phenomenal thing. But there are a couple of issues that I think need to be reviewed.

Chairman Cosentino: Whatever you have to do. I am very impressed with the building. I don't want to say it is a blank area back there but it is going to dress up the area and if this gentleman is willing to spend thousands of dollars to make this building look good, how can you throw that out?

Stanley Bernstein: Whitney, Austin's second bullet clearly states the new design states that they have stayed within occupancy? There is no higher parking demand than the last approval for the building. Now he specifically said that.

Whitney Singleton: You have to look at Chapter 110-34A in the code about pre-existing non-compliant building...

Stanley Bernstein: I can't and I don't want to equate this without outdoor dining. The typical outdoor dining in this village, which is an abomination as far as I am concerned. The extra parking that is required; I don't want to equate this with that.

Whitney Singleton: Can I give you a scenario? You want to be very careful and I am quoting Austin since he is not here. This is phrase he frequently uses. You don't want to be myopic in your approach, that what you're trying clear here becomes a problem somewhere else. Let me just give you a scenario. What if the diner and or the Village Social came in to you and said we would like to put 2 per 80 on the roof. They would say they are doing it within our rights and we do not have to provide any further parking.

Stanley Bernstein: We are talking about quantity. There is an impact of 80 people compared to what they have here.

Whitney Singleton: It is a function of a formula though not more than a third.

Stanley Bernstein: It maybe a function of a formula.

Whitney Singleton: And they will say it is as of right.

Stanley Bernstein: It is not as of right.

Whitney Singleton: It is as of right. You go out to do this without supplying any further parking, correct?

Stanley Bernstein: No, he did not say that. He said we have to come to accommodation.

Chairman Cosentino: Can I make a suggestion? This is all getting to confusing. You guys do what you have to do and report back to me, and we have to have a little meeting. We will set up a meeting, obviously there are things that we do not know, that were not in our report, which you people know. All the board is asking if this can possibly be done, we want to do it. We should have a meeting and hash this all out. Ira you will have to give us time to.

Ira Grandberg: All I am saying if it happens we are going to be building a shaft for the elevator. We are doing foundation work, so we just want to know the overview so we can at least document.

Chairman Cosentino: until we have a meeting we can't really go any further with this. The board likes it and obviously there are things that we don't know that I have to talk with counsel, planning, and engineering. At one time I thought there was not a problem, and all of a sudden there is.

Whitney Singleton: I do not want to characterize it as a problem.

Ira Grandberg: If you would like we can supply you also with an overview count that has been done since you have gotten these drawings. For instance in the main dining floor I have a big royal table, which sits six to eight people. I have banquet seating, so we have actually reduced the number of seating on the dining floor where we could have fifty-five to sixty; we have forty five to fifty. So if I tell you where the numbers are allocated it might help mitigate the full volume of where we are going from.

Jim Attwood: You mention earlier that it was seasonal, and that might be considered also.

Vice Chairman Sturniolo: A while ago we talked about white table clothes and napkins, and fine dining? What do you anticipate the menu to be in the evening for dinner and what is the price range?

Jim Attwood: I wish I had a perfect answer. Just so you know the background of the business. My wife's business is with her brother right now in Bedford Hills. He trained in a lot of very fine restaurants in New York City and fine High quality chef. The price range that is in their current store is and I would say premium but not over the top. They use organic this and high quality ingredients, so it is priced at a higher price point than certainly a deli. If it was my judgment I think you get what you pay for. I think the type of food would be basic healthy California type of American food. You also have some Asian, a lot of seafood, a lot of organic vegetables, salads. We haven't exactly figured out where the pricing is in town. I don't think it will be out of line.

Ira Grandberg: He talked to us when he was here with the kitchen consultant and it would not be a fancy restaurant just good food. That is how he indicated it. Something that is approachable for everyone.

Jim Attwood: It is not going to be an extensive wine list. It will be a nice list not too pricey. If you want a nice glass of wine you can get it. I am trying to think how to benchmark it against places...

Vice Chairman Sturniolo: Not a comparison. Just a solid figure.

Jim Attwood: They are going to try and differentiate.

Vice Chairman Cosentino: \$18-24. Again it is not a planning issue.

Jim Attwood: I am out of my league to price it. What they are going to try and do is serve good food and make sure that it is accessible with people. They want you to go and sit and say this is really good food and a good meal. It will not be over the top, but it will have to be economic.

Ira Grandberg: Our design is intended not to be fussy, and to be a real town restaurant. To be something that brings back what I enjoyed when went to the Brass Horn and not the same aesthetic, but when I went on a Friday or Wednesday night and I wanted a good solid meal I went to the Brass Horn. I did not feel intimidated and I think that is what we are doing. I don't want it to be intimidating.

Vice Chairman Sturniolo: I just wanted to know the menu and pricing.

Chairman Cosentino: You have done a beautiful job on this. It is one of the nicest buildings I have seen in this village.

Ira Grandberg: I have a client that is willing to take those risks and make it happen and not everybody will do it.

Jim Attwood: At the end of the day it will cost us more money than the previous design but it worth more.

Ira Grandberg: Thank you and we will wait to hear from you.

Chairman Cosentino: I just want to ask staff. Nanette, Whitney and Anthony..

Whitney Singleton: Why don't we have a conference call with Austin tomorrow?

Chairman Cosentino: Yes. Just sit back until they know what step to take next. If he has to wait he has to wait. I want to do this right. If there are problems we need to know what the problems are. We can straighten them out. If we can't straighten them out then we have to do something else and explain the client what we have to do if it is possible.

Whitney Singleton: I do believe there are any issues with the design functionality wise.

Chairman Cosentino: Right, we need to talk about that. I wish I had known that before I put them on the agenda to get this far. I did not

know this. I did not know about these problems. We sat down on this and nothing was said about this.

Vice Chairman Sturniolo: Can this be considered a site specific?

Nanette Bourne: I think we look for the best way to navigate this. I have some ideas and I think Whitney has some ideas.

Chairman Cosentino: Put the ideas together, and you know what we are looking for. If it can be done, fine. We depend on you.

Whitney Singleton: I need to sit down with Austin with Nanette on speaker.

Ira Grandberg: Do we leave this with the town?

Chairman Cosentino: I would like to be involved in it.

Whitney Singleton: That would be fine. The facility in Bedford Hill is the same as Ridgefield?

Ira Grandberg: Yes.

Stanley Bernstein: What is the name of the restaurant in Bedford Hills?

Jim Attwood: It is more of a retail shop where you buy your food and take it out. There are ten seats if you want to eat. The Perennial Chef, right across the street from Mark Stein, the train station. It has an orange canopy.

Correspondence:

Chairman Cosentino: Next item on the agenda is correspondence, memo from Austin regarding 185 Kisco Ave, another memo from Austin regarding Mt. Kisco Country Club. What is happening with the Country Club?

Whitney Singleton: I had conversation on another topic with Steve Coleman from New Castle They take out three permits for every tree they cut down in New Castle.

Nanette Bourne: I had a comment and a discussion with their planner and he said he did not have clue what you are talking about. I don't know anything about.

Whitney Singleton: He knew that they were doing some dredging. There is nothing actively going on with the town.

Nanette Bourne: This is a little frustrating because both times we met with them we have said there needs to be some interaction with New Castle. Don't worry they are fine with it. They have no problem. They don't know about it. New Castle does not know about this.

Chairman Cosentino: The guy called me up. There was a gentleman that called me up and they are not going to do anything. Anything major up there they do not have the money.

Nanette Bourne: It still requires a wetlands permit and coordination with New Castle because they are dredging.

Chairman Cosentino: The problem is this. We can't do anything and they have no money.

Nanette Bourne: I think memo should reflect they have some stuff to do.

Chairman Cosentino: We can't get involved with that because we have not received any money from them.

Nanette Bourne: The conceptual review came in front of the planning board.

Chairman Cosentino: But they paid their fee.

Nancy Placona: They have an escrow.

Nanette Bourne: I am not sure why this memo is in here.

Anthony Oliveri: I think this is here because Austin did not have a memo at the last meeting.

Nanette Bourne: So the next time they come back here.

Chairman Cosentino: I don't think they are. That is the problem, I don't think they are going to come back.

Whitney Singleton: We did tell them if they wanted propose some sort of tree plan because of the nature of their use.

Chairman Cosentino: When we spoke with them they said they are not going to do anything right now. Another letter from Austin regarding 127 Barker St and I think we should put that one to bed. Is there anything else?

Chairman Cosentino: Motion to adjourn

Sol Gibbons: Second.

Chairman Cosentino: Aye, on the motion

Sol Gibbons: Aye, on the second

Vice Chairman: Aye

Stanley Bernstein: Aye

Board All Ayes

Respectfully Submitted By,

Stanley Bernstein,
Board Secretary

