

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday May 24, 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
 Ralph Vigliotti
 Sol Gibbons
 Doug Hertz

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

Staff Absent: **Nanette Bourne**

Acceptance of Minutes

April 26, 2011

Motion: **Stanley Bernstein**
Second: **Vice Chairman Sturniolo**
Aye: **Sol Gibbons**
Aye: **Vice Chairman Sturniolo**
Aye: **Stanley Bernstein**
Aye: **Ralph Vigliotti**
Abstain: **Doug Hertz**

Public Hearing

Glenncliff, LLC (Glen August)
151 Sarles Street
PB2011-4

Permit to Disturb Sensitive Natural Areas

Present: **Edward J. Delaney, Jr., Bibbo Associates, LLP**

From the Public:

Laurence Maisel
45 Carlton Drive
President, Mount Kisco Chase Homeowners Association

Alan Seraita
39 Carlton Drive

Evan Lerner
4 Rolling Ridge Court

Diane Severson

33 Carlton Drive

Richard Marsico
46 Carlton Drive

Ed Delaney: The reason we are here in front of the Planning Board for this tennis pavilion on this 25 acre piece of property as a single-family home is because a couple of points on the tennis court pavilion trigger an application for permission to install this on an environmentally sensitive area. The indoor tennis pavilion that is being proposed is exactly the size of a U.S. Open regulation tennis court inside a building. The building is located at the south end of a single-family residence approximately 300 feet from the edge of the property lines in a heavily wooded area. It has no other function other than an indoor tennis pavilion. We made application to the Planning Board in mid-March. We have had several Planning Board meetings. We have also appeared in front of the Architectural Review Board, which gave their approval at their last meeting. To give you some important visual background aspects of this, this was designed so there would be no exterior lighting. Any portion of the pavilion that is facing west towards The Chase has no windows and no lighting. The drainage associated with construction, which is long term and away from this ridgeline. Chase is down here, and all our drainage is pulling away on the other side of the ridgeline during and after construction. There are several trees including a beech tree that is fairly prominent on the site. This plan you are looking at represents, at the Planning Board request, moving the pavilion 12 more feet away from the building in order to keep the tree. The owners have agreed to this as well as conferring with an arborist regarding deep root fertilization and protection of the tree during construction. Obviously, they want to do some trimming of that tree, especially over the existing house.

Laurence Maisel: I am here in the capacity of the President of the Mount Kisco Chase Homeowners Association. We received notice of this Public Hearing approximately ten days ago. With that certified letter, there was no additional information other than a public notice. Having an opportunity to review plans, look at environmental issues, etc., has not been provided to us. Also, we have a series of questions. As you can appreciate there is deep concern in our community for the construction of an indoor tennis pavilion. Notwithstanding that it is private property of a residence on 25 acres, of which this pavilion will occupy 8,700 square feet and have a height of 34 feet on a hill. Our community has come up with a series of questions:

- Have all environmental studies been completed? We have not seen or had a chance to look at that and engage outside counsel to assist us.
- Has an environmental study been completed to assess the impact on soil and water within the Mount Kisco Conservation Zoning District?
- Have storm water management impacts under New York State Department of Environmental Conservation been reviewed and evaluated? Mr. Delaney mentioned the runoff, but I do not know what that impact could be. The blasting of stone may also have implications to the rock underneath and perhaps cause Radon to

seep into the underground soil. Whenever you blast rock, the shale – that ledge rock- there is potential environmental impact.

- Will any trees or other land be adversely affected by construction, including the slope conditions? We heard Mr. Delaney referring to a tree that is probably over 100 years. Correlative to that, has the tree preservation committee of Mount Kisco been involved, to make sure we are not unduly disturbing the environment and the habitat?
- I mentioned the structure will be 8,700 square feet and 34 feet high. I am a former tennis player. 34 feet is not a very high lob, but I understand that is an acceptable height. We will accept that on its face, but 8,700 square foot is larger than many commercial/industrial properties here in Mount Kisco. I chaired the Board of Assessment Review for eight years for the Village of Mount Kisco, so I've seen a lot of property.
- We have not seen an image of what this will look like. From our neighborhood, will this be intrusive; notwithstanding it could be a year of construction, which could include blasting of stone.

Chairman Cosentino: Thank you for the list. This is what a Public Hearing is all about, so we can hear your views. I will not close the public hearing.

Laurence Maisel: I had no expectation other than that.

Vice Chairman Sturniolo: I do not want to appear to be argumentative, but when you raise concerns about the height of the structure, the visual impact of the project and the tree preservation, you said at the beginning of your presentation that you received only a notice with no detail associated with it. How did you garner this information?

Laurence Maisel: I called Mr. Palmer and requested a meeting to look at some of the preliminary drawings. I did not want to come here unprepared. I wanted to have thoughtful questions to share with the Board. Jim Palmer, one of my Board members and I met last Thursday.

Doug Hertz: Typically when there is a Public Hearing on a project like this, it is onerous on the applicant to distribute the entire set of plans to everyone they mail to. They are available in Village Hall. This information should be made to the public. I do not think we require this information to be on the public notice, but that is the practice of the Board. They are not trying to hide anything. They can be reviewed by any member of the public. We should probably amend our public notice statement to say this information is available.

Laurence Maisel: Fortunately I spent eight years volunteering my services to the Village, so I appreciate the process.

Doug Hertz: I am sorry that you did not have the information. However, I think we should take it under advisement that we should change the public notice that we require our applicants to post.

Chairman Cosentino: I give that to counsel to review.

Anthony Oliveri: This list (given by Mr. Maisel) could be given to the applicant as well so he can respond to the questions.

Ed Delaney: Your notice is simply a notice to hold a Public Hearing. We provided the Board with 13 copies of massive sets of information.

Whitney Singleton: The public notice is simply to advise them there is an application, referenced the section for which relief is being sought, and to advise them of the substance of the application cumulative upon the applicant to go to the library or Building Department to examine the plans.

Ralph Vigliotti: Is there a statement in the public notice stating that the plans can be reviewed in the library or Village Hall?

Whitney Singleton: No. The relevant section provides as follows:

"The Planning Board shall not decide on any application for a steep slopes permit without first holding a public hearing, notice of which hearing including the substance of the application shall be given by publication in an official newspaper at least 15 days in advance of such hearing. In addition of such public notice the applicant shall cause such notice to be mailed at least ten days before the hearing to all owners of the property which lie within 300 feet of the property for which the improvement is sought." In that regard, the notice does provide the public with information that there is relief from the steep slopes ordinance and sensitive natural areas being sought with a degree of specificity.

Laurence Maisel: I will share with you that there was a lot of concern among the residents because there was no information.

Chairman Cosentino: I assure you this Public Hearing will stay open.

Laurence Maisel: Thank you.

Vice Chairman Sturniolo: Mr. Delaney is there a reason why the property owner is not here tonight? Is he aware of the Public Hearing?

Ed Delaney: I believe so. I've talked with his agents, but I cannot give you an explanation as to why he is not here.

Alan Seraita: Thank you for allowing me to speak. I don't pretend to have a lot of information or knowledge about technological things going on here. My concern is as a homeowner with a family and friends and other homes in the area, I have to understand the wisdom that would allow a structure like this to be built. We do not know the damage it could cause. For the benefit of one family, one entity at the cost of many families and many homes that we've all built and loved and grew up in. I do not understand the wisdom in doing something like that for one entity vs. a whole bunch of people that could suffer because of it. In my opinion it is a self-gratuitous thing. From what I understand they have a tennis court there already. If they want to put a cover over it that probably wouldn't take nearly the excavation they are talking about with the grandiose kind of facility they are trying to build here. I am concerned for the wildlife that is up there, which we

see all the time from our homes. If this was a structure that was going to benefit many people in a positive way, then I think there would be more of an argument there. I do not believe this is an argument to be discussed and I see no rhyme or reason to waste anyone's time with this, personally. This is all up to you people and I hope you use that good judgment when the time comes. Thank you very much for allowing me to speak. I am grateful for that.

Evan Lerner: My property borders the property in question. I happen to be a tennis player and looked up the size of a regulation tennis court, and this structure is approximately 20% larger on a two-dimensional basis than a standard tennis court. I do not understand why it needs to be larger, but that is up for discussion. As stated before, there is a tennis court on the property already that is down sloped and away from Mount Kisco Chase – why not use that? What would be disturbed by other residents by placing this structure? Site line? Is anybody else ever going to be able to see this from their home? If that is the case, that is a disturbance – to natural surroundings, construction, water, etc., all the common questions about the construction of that structure and the placement of it on the property at the top towards Mount Kisco Chase as opposed to away from other residents.

Laurence Maisel: We had an information petition distributed, and more than half the residents have already signed it. We have not even tried to inform everyone, we just sent out an email about the Public Hearing.

Chairman Cosentino: Do you have copies?

Laurence Maisel: We would prefer not. We will be happy to share that, and we said it would be informal. I do not want to disrespect the confidentiality. We wanted a straw poll to see people's reactions.

Chairman Cosentino: We will leave the Public Hearing open for another meeting, at least, which will allow us time to get information from Mr. Delaney and Anthony.

Anthony Oliveri: It is more appropriate if the applicant answer the questions on (Mr. Maisel's) list. We will review the response.

Doug Hertz: If you could make it known to the community that the plans are available.

Austin Cassidy: The guide for what questions to be answered are the letter only, or does the Board have additional questions?

Ralph Vigliotti: Are the buildings on the property visible now with foliage in place versus when foliage is not?

Diane Severson: Less so now. I am a little bit further up, but I can speak to the fact that without foliage, full visibility, with foliage, I can see it because I know it's there, but maybe someone else could not. The pavilion is even closer than the buildings. I question the choice of location – being so close to the property edge and so close to the bluff (?) line. It's quite a steep drop. The run-off, as it is, is tremendous. I have very little structure above me, and (my property) is swamped in

the back with these rains. I would like to know that everything has been considered in terms of the location.

Chairman Cosentino: We are going to need a site line on that.

Vice Chairman Sturniolo: This letter is from Paul D. Grand Pre', 29 Carton Drive:

"Dear Chairman Cosentino, I am unable to attend the Public Hearing on May 24, 2011 to express my vehement objection to the proposal from Glenncliff, LLC, to build an indoor tennis pavilion at 151 Sarles Street. I am doing so in writing for the record. My initial reaction is to question why the Planning Board would even consider a proposal that involves an application for a permit to disturb 'sensitive natural areas.' With the availability to developable land that is not in a sensitive, natural area in Mount Kisco, I would urge that Glenncliff, LLC be directed to relocate their proposed project elsewhere where the environmental impact would not be so great. Moreover, since the stated parcel tax map 80.76-11 and surrounding property are visible from my house, I strongly object to construction of an indoor tennis pavilion since such a facility would generate disturbingly bright illumination after sunset visible from my house. Such light pollution is an eyesore and damaging to my property value of my home and my neighbors houses. I urge you to direct Glenncliff, LLC, to find a parcel of land somewhere else on which to build where a sensitive natural area will not be disturbed or marred as damaged and where the resulting nighttime light pollution will not be disturbing to the neighbors and a threat to their property values. With so little undisturbed green space in our community, it does not make any sense to permit further desecration of sensitive natural areas. Sincerely, Paul D. Grand Pre.'

Chairman Cosentino: I would like to add a comment in all due respect to Mr. Delaney, for whom I have a lot of respect. In the 28 years that I have served on this Planning Board, I have never, ever seen 8,700 square feet of a recreation building in a residential home. I have called seven or eight towns and they don't have anything like that either. That is huge and humongous. I consider Mr. Delaney one of the best engineers, but 8.700 square feet is a lot for a residential home. I don't believe any of our recreational facilities in Mount Kisco have 8,700 square feet. Yet, this is a residential home.

Austin Cassidy: Going back to identifying the information that the Board is seeking to be returned to you, there is a repeating theme, clearly from the number of the residents, as to this location as opposed to other locations on the premises. Perhaps, with the other information you're providing to the Board, you'd like to speak to that as well.

Doug Hertz: It might be premature, but we are going to want to see some sort of visual, and specify where it is going to be from. My recommendation is that we wait for more input from the public, and then choose one or two spots where they can do a simulation. Maybe the homeowner's association can help identify what those locations can be.

Austin Cassidy: On that point, to my recollection, there is an architectural team in the picture here that made visual representations to the Architectural Review Board. Would you want that visual type of presentation at the continuation of the public hearing?

Chairman Cosentino: Yes.

Evan Lerner: Visual presentation would be great if it was a three-dimensional presentation that showed the other structures, the home and everything else that is on the property. To be able to see this big structure, three dimensional, in comparison with the other structures and maybe even the structures and homes that are closest to it.

Vice Chairman Sturniolo: In model form.

Doug Hertz: This would be more useful. If it's in a model form, you are going to be viewing it from 1,000 feet. If we go at eye-line from a couple of spots that are going to be identified as sensitive, they can do a photo simulation. You will get a more accurate sense of what it's going to be because you will see comparative height lines, what the site line is looking up.

Evan Lerner: Do both. My perspective is; it's a big structure. What else is around it? How does it compare? It's all about comparison; it's about the viewpoint. How would a normal person think about seeing something, when typically with town planning there is a three-dimensional representation?

Chairman Cosentino: I do not think that is unreasonable considering the size of it.

Laurence Maisel: The Homeowner's Association attempted to contact Marsh Sanctuary. We were not able to speak to anyone on their executive Board, but they do have walking trails. The question, "Is it visible from our property?" would also be appropriate to discuss with Marsh Sanctuary at some point. We will try to reach them and see how they are impacted by the application for permit.

Doug Hertz: It certainly would be noticed, so it would be great to hear from them.

Stanley Bernstein: I am not surprised the neighbors and many of the other residents around are not that knowledgeable or familiar with the process, but I am surprised that no one is here insisting that an Environmental Impact Statement is required. I, for one, am going to discuss that very thoroughly, and I might insist upon an Environmental Impact Statement. I am reluctant to do it to an individual, single-family homeowner, especially on an estate that is so large. It's really a burdensome thing to do, but it might be something that is very important to this village. As you all know, I have always been very environmentally concerned. A very important factor is that someone owns a piece of property; a large amount of land, 25 acres in this case, and wants to do something to his own piece of property. As environmentally important this whole thing is to me personally, I am always reluctant to tell someone he can't do something on his own land provided there is no impact on anything else. Whether it's a neighbor, an adjoining piece of property that is vacant, a forest or

wetland, an Environmental Impact Statement will show whether there is an impact. Not only in storm water run off and site lines, etc. I've been on the property and inspected it on a Planning Board field survey. I am very familiar with The Chase and its area. It does not seem to me that this provision, as enormous as it is, does not look as if this particular structure can be visible from Chase, whether the leaves are off the trees or not. It's going to be fairly invisible. I know you can see pieces of the house from Carlton Place, but the house itself is really not obtrusive. The pavilion will be hidden almost completely by the house itself because the pavilion is on the eastern side of the house. This is a factor that should be considered. There are many things about this process I am not happy about, but bear in mind, if someone owns a piece of property, especially something that large, and wants to do something, that is a factor that must be considered. If you have your one or two acre piece of property on Carlton Place and wish to build something, that impact on your neighbor is enormous; whereas a very large structure on a very large piece of property may not have such a great impact. We are relying upon Anthony to talk about the storm water and how it's being directed. I am pretty involved in storm water, and I can see that the drainage is going to be in the opposite direction during and after construction. Still, some sort of Environmental Impact Statement must be included in our deliberations; otherwise we are working in the dark.

Ralph Vigliotti: My concern is that one, its 25 acres and we know the estate as it stands has a structure on it. That 25 acres, folks, could be divided up and there could be 15, 20 homes there. That would certainly be closer than 300 feet. I am not a proponent or opponent to this project. We are just sifting through it as we speak. There are two parcels on Sarles that have 25 acres each. Once we get past the sensitive wetlands and there is an Environmental Impact Statement, I need to hear what is going to be done as far as planting mature trees, 30-40 feet high, insuring that structure not be visible; as a matter of fact, less visible than it is now. Mr. Delaney has indicated that there will be no windows, no light visible to the neighbors on Carlton. I think that is a huge start. No lighting at night is a huge start. We (the Planning Board) did walk the property and there are some specimen trees we are very concerned about. Mr. Delaney and his client are working to preserve those trees. We spoke a little bit about where some of the structure may fall on a sensitive area, which needs to be addressed. My issue is not planting 10-foot white oaks but 30-foot white oaks. Spending the kind of money that is expected for that type of structure to further protect, and even go two steps beyond, to ensure that the neighbors don't get that new visual impact, which is the huge concern here. I want to remind you that I was on the Board of Trustees 20 years ago when Chase was the Green property, and they were going to put 350 condominiums there with a 250 square foot business office, and the Board worked years to ensure that would not happen, and today we have The Chase. We fought, were taken to court and spent tons of money for years to protect the village. There are people in the audience shaking their heads because we spent tens and thousands of dollars to protect their property. We have two 25-acre pieces on Sarles Street. I do not want someone to leave, put it on the market and say, "Let's divide it up and put houses in there." There is a fine line, and it's nice to have the buffer that you have.

Doug Hertz: The irony, when you think about it, is that The Chase was the eyesore for Glenncliff.

Chairman Cosentino: I agree. It's big, but the people from Chase have to be protected. That is the issue in building this. They have one of the largest investments in the village. Their taxes are not as great as Glenncliff, but I would hate to pay their taxes.

Doug Hertz: I don't think their rights are larger or smaller because of the size of their tax bill. I would say anyone has similar rights.

Chairman Cosentino: In this case, we are trying to protect somebody's rights.

Ralph Vigliotti: Mr. Delaney, if you, at some point could address what you envision as the buffer and what you would do to protect the site lines from the building, that is something which should be shared.

Ed Delaney: That will all be wrapped up in our response.

Alan Seraita: I would like to address what Mr. Hertz said. I was not an original owner at The Chase. I bought five years after they were built, so I was not there while all this was going on with the development. I can tell you now it is no longer an eyesore. It is scenic and beautiful. I don't disagree with what you said in principle about it's your land and you have a right to do what you want with your land. As a homeowner, I know you need permission to get certain things done. Some things are not necessarily horrible things to do. Some are a little more invasive. There are rules and regulations for people to put things on their property. This should not be any different. Because he owns that land, it does not give him the right to do something that could affect many other people. If you need permission to take down a tree or put a fence up on your own land, and sometimes you get refused, then I think that fits clearly into that.

Stanley Bernstein: He is here because he needs permission to build this building.

Alan Seraita: But just because it's land, he should not get that.

Stanley Bernstein: I wanted to contrast the fact that there are environmental problems that I am always concerned with. There is also the problem of someone's property. You should not be denied building something that does not affect anyone else on your one-acre property. But remember, a small building on a small piece of property has a greater impact than a large building on a large piece of property. That is something you have to bear in mind.

Alan Seraita: I do. But, again, a tree is one thing. A fence is another thing. This is an airplane hangar. We have to keep that in mind.

Whitney Singleton: To temper everyone's thoughts on this a little bit, while this may be perceived as an airplane hangar, and while it may be a permit to take down a tree, there are other portions on this property where this structure may be built solely by going to the Building Department. The Board is not reviewing the structure. The Board is reviewing the impacts on the steep slopes that emanate from the

building of the structure. If this applicant chooses to build in a location where there are no steep slopes, there are no trees to be removed and there is no wetland, then this applicant can do this as of right without going to anyone, which may negatively impact the application. Keep in mind the Board is not reviewing whether they should build the structure; they are reviewing the impacts associated with the steep slopes.

Chairman Cosentino: Don't the steep slopes affect the runoff, etc.?

Whitney Singleton: Absolutely.

Chairman Cosentino: Thank you.

Richard Marsico: Aside from what you had to say about putting it on another area of the property, of course you could do that. He wants it next to his house so he can walk out of his house into the building. My problem is environmental as much as it yours. Mine is the noise that has to be created from heating and air conditioning that building. I don't know where he is going to put these units. Is he going to put them up on the roof? Is he going to put them on the side of the building? That noise is going to emanate day and night. I don't know how many cubic feet are in that building, but it's huge. We are going to have heating and air conditioning going on 24 hours a day.

Ralph Vigliotti: Excellent point.

Vice Chairman Sturniolo: That issue goes to Mr. Bernstein's point of an Environmental Impact Study, which would pick up noise as a checkpoint.

Chairman Cosentino: Since everyone else has spoken, we will place this on our agenda for the next meeting.

Austin Cassidy: Do you want to carry it to the next meeting only if we have those answers?

Chairman Cosentino: Yes.

Austin Cassidy: So if we do not have the answers by the cut-off for the next meeting, it is not to carry to the next meeting, it will carry to the meeting thereafter.

Chairman Cosentino: It is not under SEQRA, so we will continue the Public Hearing until then. If we do not have the information we are asking for, there it no sense putting it on the agenda.

Austin Cassidy: Then it would tentatively carry forward to the agenda thereafter.

Vice Chairman Sturniolo: In looking at my notes, Mr. Delaney, I have 12 or 14 points that various people raised. I am sure your notes reflect the same. As we said before, the ball really has to start with you in addressing the comments tonight. Then the various professionals on the Planning Board staff will review the comments.

Chairman Cosentino: To the people who live at The Chase, I want you to know that Mr. Delaney was very sensitive when the Planning Board walked the property. Mr. Delaney always has had a good reputation, and he wants to do what is right.

At this point, the Public Hearing remained open. The next Planning Board meetings are scheduled for June 14 and June 28. Chairman Cosentino instructed notices be sent to the president of The Chase Homeowners' Association so emails can be sent to The Chase residents, as the Public Hearing will still be open. Email details were discussed. Mr. Bernstein noted The Marsh Sanctuary can also be notified in that same email. Mr. Hertz suggested we keep the meeting open for public comment for the next meeting. Chairman Cosentino stated two Board members will be absent for one meeting next month, and he would like to keep this topic at the forefront. Chairman Cosentino thanked all the residents for attending this meeting.

Conceptual Application

**Arroway Chevrolet Cadillac
175 North Bedford Road**

Proposed Additions and Alterations o the Dealership Facilities

Present:

Charles V. Martabano, Attorney-at-Law, on behalf of the Applicant

Vincent Franze, Franz & Franze Architecture

Scott W. Blakely, R.L.A., Sr. Vice President, Principal Landscape Architect, Insite Engineering, Surveying & Landscape Architecture, P.C.

Charles Martabano: As described briefly in our letter, this is an application for an amended site plan approval to essentially create separate brand identity in terms of the showroom. It's a Cadillac, Chevrolet dealership, and as you know General Motors went through reorganization, so to speak. They are looking to promote brand identification, separateness. One portion of the proposal is to create a separate showroom for the Cadillac vehicles as opposed to the Chevrolet vehicles. I made a mistake in my letter; this addition is 3,000 square feet of new space as opposed to 2,000. We did account for it on the site plan. The second component is that, as you know, the building has pre-existing, non-complying rooftop storage of motor vehicles. We propose to bring that into conformity by enclosing the roof. There have been a number of issues with respect to the roof leaking over the years, and the thought here would be to close it, bring it into conformity, not to change the use in any way. It would be, again, just for the storage of motor vehicles. Those are the two elements of the site plan.

Vincent Franze: To expand a little bit and flush out just a tad what Charlie explained, this is part of the General Motors facility image program. The Board has probably seen this sort of thing before, but General Motors likes their participating dealerships to, in the interest

of brand recognition and of course the success of their various dealerships, to follow a common theme in terms of aesthetics and the way the cars are presented, installed and brought to market, etc. One of the components, of course, is simply the general aesthetic – the appearance of the facility overall. Then, of course, as Charlie explained is the separation of the brands Chevrolet and Cadillac. Then there is the enclosure of the rooftop storage facility. A lot of this comes from GM, so we, as the local architects have the job to sort of facilitate the wishes that are coming from corporate in Detroit. We are essentially taking the palette that is prescribed by General Motors and applying it to this building. They are involved through the whole process. All of this has to be approved by General Motors. We are taking their palette and applying it to the building with respect to the general appearance of the building, the separation of the two brands and even with respect to the addition, which, by the way, in this case happens to be elective. Enclosure of the existing rooftop storage is not one of the things that GM was requesting or gently insisting upon. That was proactive on the part of the owner of the property, thinking that it would tie right into the improvements that he is making to the building overall. That it would hopefully bring into compliance a condition that Charlie can explain better than I can. That it would improve the overall appearance of the building. That it would serve him in terms of eliminating this sort of perennially frustrating rooftop/slab condition that always leaks and is very high maintenance. If he encloses that in, protect his vehicles and eliminate the roof situation and even give an opportunity, which is not there now, for solar voltaic or some sort of a solar engine system opportunity. He sees it as a win/win, aesthetically, functionally and even environmentally. To carry on, if it helps, the pink is what is new. This is all existing, and saved for maybe some interior reconfiguration of office space, etc. This is the proposed Cadillac showroom addition. This is 117 here, this is Target, and this is A & P. This is the Chevrolet entry enhancement, and this is a portico. It's not actually an addition to the building; it's just a covered area for new car delivery. I wanted to show this to you so you can get a sense for where these things fall and the relatively minor nature of the expansion of the building. Of course, the second story enclosure of the rooftop storage is this section.

Charles Martabano: The second story is merely the enclosure of the existing. I don't think there is even a proposal to heat it. There will not be desks up there, telephones, coffee, none of that. It is enclosed storage which brings it into the conformity of the code, as opposed to what it is now, preexisting, legal non-conforming. It is a better situation both in terms of the building itself, in terms of the conformity of the code, in terms of visual aesthetics. It's all an improvement. But, it's not going to be used as a showroom. I want to make sure you all understand that.

Vice Chairman Sturniolo: So both brands can be stored equally together in this one facility.

Vincent Franze: Yes. It's not about display; it's not about customer service, not about sales initiatives.

Ralph Vigliotti: That is an improvement. I was sharing with Chairman Cosentino earlier that it was three years ago we were looking for a

new car and I could not find a parking space because so many new cars were in the parking spaces. You had to park in fire lanes to get into the showroom. The cars were double-stacked. This is terrific that you're going to correct that.

Vice Chairman Sturniolo: Has GM seen these renderings?

Charles Martabano: Yes.

Vice Chairman Sturniolo: And these are the colors?

Vincent Franze: Yes, they are from GM. My firm has collaborated in a serious way with GM. At the national level, GM hired an architecture firm to develop their new image. This is part of their new image program. They hired a firm on a national scale to develop what that new image might be, and then that firm works with firms like mine at the local level to apply their program to these site-specific properties all over the country. This is their "blue."

Ralph Vigliotti: I'm not a fan of that blue. It looks like a gas station as opposed to a dealership. It will probably look better all white.

Vice Chairman Sturniolo: It's Honda blue, but that is a separate issue.

Ralph Vigliotti: It doesn't do anything for the building. That being said, ARB will share that with you, I'm sure.

Scott Blakely: As Vincent pointed out, the new Cadillac showroom will be on the northern end of the existing building. This is North Bedford Road; this is Preston Way. The existing facility sits here. The area currently underneath this is a combination of existing asphalt and some grass/planter areas. With the original site plan, there was a variance granted for lot coverage. When we first looked at this and started to lay the buildings on the site, the lot coverage increased over what was granted by the Zoning Board back in 1990. We looked at the possibility of bringing this site with the proposed additions into conformity with that variance. We have worked out taking some of the expansive asphalt in this southern corner. This is where there was double-stacked parking. We looked at the zoning code requirements for the parking and re-configured this parking area. We are proposing to remove existing asphalt pavement to bring it into conformity with the variance that was granted. We actually have a reduction of impervious of surface on this site with the proposed conditions. Also, the original site plan required 90 spaces. We are proposing 112 spaces on site. When we configured this parking, we did not lose parking back in this area because we were able to lengthen these aisles where this aisle was in a straight line. This helped us with those parking numbers. There are some minor modifications to the vehicle display areas up in front. There were a series of vehicle display areas that were approved previously here in this area and here, as Vincent mentioned, is a new car delivery area. We have a vehicle display area here and here. We are proposing handicapped parking in conformance with the town code and the state and federal regulations in certain locations close to the access points to the new showrooms. We will be working on our storm water pollution protection plan. This is in the designated Main Street area, even though we don't meet the thresholds that would normally require Department of Environmental

Protection review and approval, because we are in that designated Main Street area, we have to prepare a storm water pollution protection plan in accordance with their regulations and obviously in accordance with the village regulations. So the DEP will have a crack at us on this one. But, with the reduction in impervious and the installation of some mitigation measures, I think we'll be successful.

Chairman Cosentino: What about landscaping?

Charles Martabano: We did conceptual first obviously to come in and get some input, then we'll go to a site plan.

Scott Blakely: We are trying to get feedback from your board.

Vice Chairman Sturniolo: What is the term you just used for the new vehicle delivery area?

Scott Blakely: When you purchase a car and you go to pick it up, that is where they walk you through the components of the car.

Vincent Franze: It comes out of prep, they park it there and then you show up to pick up your new car.

Chairman Cosentino: Where do they unload the new cars?

Scott Blakely: At this point here, where there is easy access in and through.

Vice Chairman Sturniolo: Is the entrance to the repair shop and the write-up area the same location it is now?

Scott Blakely: There is an entrance on this end, this overhead door here. There is a drive through area right here. That will remain.

Vice Chairman Sturniolo: The gated portion in the corner, will that remain gated?

Scott Blakely: I believe there is an existing gate here and in this location. We have not talked about that. We can talk to the owner about that.

Ralph Vigliotti: Will you need a new curb cut to allow a tractor-trailer to back in? It seems like the new building provided a little bit more move-ability of a tractor-trailer.

Scott Blakely: Yes, it will.

Ralph Vigliotti: You're positive about that?

Scott Blakely: We can verify it with our truck-turning templates.

Vice Chairman Sturniolo: Please talk about nighttime illumination of the building? Is there intent to change?

Scott Blakely: There are existing light poles on the site currently. Based on some reconfiguration of some access aisles, we are going to need to relocate. For instance, there is a light pole here, here and

here. We are going to need to relocate those into new islands. We have not taken a hard look at this point.

Vincent Franze: To address your concern about the trucks, I look forward to Insite doing that. The question was asked before whether GM had seen these renderings. We really did work closely with them, meaning that the site plan and the floor plan came initially from them. GM put that showroom there, understanding the nature of the curb cut and some of the changes that were happening with the parking. That does not mean they are infallible, but their architects asked us to put the showroom there and configure the lanes in that way.

Charles Martabano: We will show that with the templates.

Ralph Vigliotti: This is a good time, as the Chairman suggested, to show the landscaping improvements that you will be making to the site. This is a nice opportunity for the village as well as the for the property owner.

Chairman Cosentino: It's an intersection; it should look good.

Charles Martabano: For review purposes, I have the note regarding the landscaping, as you pointed out, to verify the truck turning movements, to inquire about the gated areas and to discuss nighttime illumination. That will come generally speaking in the site plan itself.

Chairman Cosentino: You can file for application now.

Vice Chairman Sturniolo: I think you're on the right track and going in the right direction.

Austin Cassidy: Speaking to the record, this is a special permit use for that district. Looking down the road on procedure at some point there will be a Public Hearing on this relative to the Special Use Permit. Speak to the planner -----.

Vincent Franze: We appreciate all your input and we look forward to appearing before you again with more definitive plans. Thank you very much.

Discussion followed re the spring and summer schedule of the Planning Board.

Special Discussion:

Outdoor Dining Study Parking Issues

Whitney Singleton: At the last meeting, the Board went through material relative to potentially making suggestions for outdoor dining. I want to make very clear to the media outlets in the room that you were making suggestions for modification to the outdoor dining, you were not unilaterally and unanimously moving forward with this. It was merely suggestions for the Board of Trustees.

Vice Chairman Sturniolo: I personally think it was made abundantly clear in a recent article in *The Examiner* that it was a suggestion only

from the Planning Board, and it was up to the Village Board to act on it.

Whitney Singleton: What amazed me was how similar other communities are to us. Also very interesting is that I think that our outdoor dining regulations are much more comprehensive than most units. With that being said, it doesn't mean you cannot learn from other communities. As you will see in the underlining and deletions, I have proposed some changes. I believe I had changed the proposed definition of outdoor dining area. I know that is not per se what you wanted. There was some discussion about having a completely separate definition for on grade vs. non-on-grade. I have tried to incorporate as many things that are outdoors as possible within that definition. I think providing separate definitions will result in having to make changes to the format. I have also changed the definition of sidewalk for purposes of sidewalk cafes to show that if any area opened to use by the public, because you do have areas, such as the alleyway between Fox and Sutherlands. You also have the Promenade, which would fall under sidewalk cafes as well. On Page Two, I think I discovered a real omission and error – sidewalk cafes and dining areas and permitting authority. If you read, "The village manager is authorized to grant revocable permits for the use of sidewalks in non-residential zoning districts for sidewalk cafes." Under B, it says the building inspector is hereby authorized to grant revocable permits for outdoor dining areas providing seating for ten customers or fewer on privately owned property in non-residential zoning districts.

Stanley Bernstein: That was always there.

Whitney Singleton: The deleted portion was always there. Go on to Paragraph C. "The Planning Board is hereby authorized to grant permits for outdoor dining areas on privately owned property in all non-residential districts other than CB-1 and CB-2 zoning districts, and for outdoor dining areas in CB-1 and CB-2 providing seating for 11 customers or more." The pass-off there was supposed to be that I think the building inspector was only supposed to issue outdoor dining permits on privately owned property in the CB-1 and CB-2; otherwise there is an overlap in jurisdiction.

Vice Chairman Sturniolo: Paragraph C clarifies that?

Whitney Singleton: Revising Paragraph B clarifies that. If you see the underlined portion, that is what I am proposing to do. The deleted portion is struck through. If you are going to have it internally consistent, the building inspector is authorized to issue outdoor seating to ten customers or fewer in CB-1 and CB-2 districts only. The Planning Board is authorized to grant permits for outdoor seating areas in a privately-owned property in all non-residential districts other than CB-1 and CB-2, and for outdoor dining areas in CB-1 and CB-2 providing seating for 11 customers or more.

Stanley Bernstein: Why separate jurisdictions again?

Whitney Singleton: I'm not suggesting that we do or we don't. I'm simply saying if you are going to leave it, you need to clarify having consistency.

Stanley Bernstein: I agree with that.

Whitney Singleton: You'll see in the comment in the right hand column, that I have recognize what the Planning Board thinks will be appropriate or to be the sole permitting authority, but because it's going to result in global changes to the document, I will do that later on, if that is the preference of your board.

Vice Chairman Sturniolo: That would then support this change – the revision later on.

Whitney Singleton: That is a question of whether you think that is appropriate to handle all of these things, or whether you want some portion of it to be administrative. You can look at what the other communities do in this package that I put together, if it helps you. On the top of Page Three, there are sections subject to the requirements of 110-46 of this code. There is a reference there. With that provision provides for is for your board to exercise discretionary authority, whether it's protecting the residential character of nearby properties or something of that nature. I want to expand on it rather than simply reference 110-46. Under Paragraph 2-A, I offered some suggestions that trees, meters and planters could be obstructions that should be incorporated as far as keeping a clear path. We are required to have a clear path of six feet minimum between the curb and the dining area unobstructed. So the question becomes: What's obstruction? Trees, parking meters, anything can be an obstruction. I want it to be clear that those are obstructions.

Stanley Bernstein: That means it would have to be pushed back towards the building, which is a good thing.

Whitney Singleton: It also means that some people won't get it. Austin, I know you are not the permitting authority, but do you know whether Little Kabob Station restaurant got permission?

Austin Cassidy: I have no idea.

Whitney Singleton: They have outdoor dining as of today. It is a terrific restaurant, but passing by it looks like there is about two feet to get buy. That would have been Jim Palmer's permit. He's been out of town for the past couple of days, so I don't know how or if authority is granted for it, or whether somebody just put tables outside.

Stanley Bernstein: I don't know if the Jamaican restaurant had authority to put their tables outside, but two of their tables are blocking the fire exit from the bank.

Vice Chairman Sturniolo: That is why we are here tonight.

Whitney Singleton: At the end of Paragraph 2A, I have no idea what that means. I thought maybe you might understand that. Comment Four, under the right hand column; I am unclear as to the meaning of genesis of this provision. It says, "clear path requirements pursuant to the sub-section shall be deemed satisfied if there is not less than a six foot clear path." This seems to be redundant, or a double negative.

Vice Chairman Sturniolo: It's repeating what was said two lines above it.

Whitney Singleton: Under furnishings, there was discussion last time about whether or not you would like to see provisions for everything to be removed each night. I certainly recommend it on a sidewalk café. I don't think there should be anything that could create a hazard.

Stanley Bernstein: As Doug pointed out, there are some areas that are completely within the contents of the building like Café of Love.

Vice Chairman Sturniolo: That was the example, and the downside to that are the chains that they have on the tables. It creates a "Sing Sing" like environment.

Stanley Bernstein: If there is language saying that no chains will be allowed, then it's up to the owner to decide whether he wants to leave them out there unchained or bring them in.

Whitney Singleton: I've been back to this a lot of times and read other community's, and our language is quite good. It says all furnishings shall be removed from the sidewalk and stored in an approved manner when the sidewalk café is not in operation. By saying that it is stored in an approved manner, it offers the permitting authority, whomever that may be, quite a bit of flexibility. I defer to you; it's your recommendation. Do we want to allow the flower boxes to remain out or do they need to come in every night. If someone has a lot of flower hanging baskets, do we want those to come in every night? Please give me some feedback on that. Under E, Outdoor Entertainment – "musical instruments or sound reproduction devices shall not be operated or used within a sidewalk café." Perhaps that should read "in conjunction with a sidewalk café or outdoor dining area." The question becomes, is that too onerous, or is that appropriate? Other communities have generally said there shall be none. They also provide where it cannot be heard by any adjoining properties. In other words, if someone is really keeping it low and it's unobtrusive, then it could be permitted.

Chairman Cosentino: It's not going to happen. No outside music.

Stanley Bernstein: Who decides whether it's unobtrusive or not? You're not going to have a code compliance officer there all the time.

Ralph Vigliotti: They are lucky to have outdoor dining.

Vice Chairman Sturniolo: This way, you don't have to deal with levels of music, and sensitivities to people's ear.

Whitney Singleton: When music is playing inside, you can hear the music outside. There are some communities, Carmel for example, that preclude any outdoor dining when it's in conjunction with a cabaret or a nightclub.

Chairman Cosentino: The licenses are issued inside. In the winter you're not going to hear it outside.

Whitney Singleton: Yes, you do.

Chairman Cosentino: Then it's too loud.

Whitney Singleton: I don't think I've ever been by O'Connor's and not heard the music outside at night. I hear it in my car when I drive by.

Chairman Cosentino: Then it's too loud.

Vice Chairman Sturniolo: The Carmel example is interesting, because it says that some communities preclude outdoor dining in conjunction with a cabaret nightclub. It's a choice.

Whitney Singleton: Yes. I am not advocating any of these for you. I am just putting them on the table for you to decide.

Chairman Cosentino: Thank you and I realize that. But I am totally against outdoor music.

Stanley Bernstein: I agree.

Whitney Singleton: Should you be allowed to have outdoor dining if you have a cabaret permit?

Chairman Cosentino: If you're a nightclub, you're not going to play outside. I don't think your doors should be opened for the music to go outside. I really don't think you hear much music outside in a cabaret, unless your doors are open.

Whitney Singleton: So the example there would be Fab.

Chairman Cosentino: Yes. He has inside music and he has a limited cabaret, but there should be no music out there.

Stanley Bernstein: He keeps his doors open also, which is environmentally poor. He is air-conditioning the inside and the outside. There should be an ordinance saying that door must be closed when the air conditioning is on.

Ralph Vigliotti: No outdoor music.

Whitney Singleton: You don't want to touch the issue of whether you have a cabaret or don't have a cabaret?

Chairman Cosentino: I don't mind music inside, as long as it's not coming outside. The music should not protrude to the outside. If it does, their license is taken away.

Whitney Singleton: In other words, you don't want to tie the ability to have outdoor dining to whether or not you have a cabaret. It's irrelevant.

Chairman Cosentino: Yes. In addition, we have restaurants with apartments upstairs.

Whitney Singleton: That is why some of the communities that I talked about earlier that use special permit authorities have specific regulations when you're within 300 feet of a residential area.

Chairman Cosentino: Maybe we should talk about if you're within 300 feet of a cabaret area. I am concerned about the person that lives above.

Austin Cassidy: A reminder on zoning: your downtown is essentially ringed by residential. Trying to address it when you've got a mixed occupancy, perhaps a cabaret on the first floor and apartment on the second doesn't make it a residential area. It's still a commercial area. It just happens to have a residence there.

Chairman Cosentino: I will have to think deeper about cabaret, but I have thought about outside music. No outside music.

Sol Gibbons: Is there a level on the volume?

Whitney Singleton: Unless you wanted to go there, I could find something that has an audible level. You do get into enforcement issues.

Chairman Cosentino: Sometimes you get a lot of loud noises, such as the bar, 222. The noise at the bar heard from outside is worse than music.

Whitney Singleton: Maybe the thing to consider is that the outdoor dining regulations should have associated with it that no music shall be heard outdoors.

Austin Cassidy: If you get a cabaret license, the music is not supposed to leave the premises. Obviously if a person is walking out, you will hear the sound through the open door, but the music itself is supposed to be confined to the interior premises for entertainment.

Chairman Cosentino: The restaurant on Lexington Avenue, which has a cabaret license, has all the doors opened up, and the music just goes right out.

Austin Cassidy: Then the ability of granting a cabaret license to someone who has that capability of opening an exterior wall to the public is a valid point.

Ralph Vigliotti: It's amazing what we can control. We can control the sound and noise coming out of a restaurant onto the street, but we can't regulate the EMS and the ambulances going through town with their sirens on from one end of town to the other. The irony – we're trying to control small bits of sound coming out of restaurants onto a sidewalk, and at the same time you have these ambulances going back and forth through town to get to the hospital. I think no music outside is fine. And, every other town is using the hospital.

Chairman Cosentino: Fortunately, we have a hospital that accommodates them.

Ralph Vigliotti: I don't have a problem if the door is open and the sound from inside happens to filter out for the moment the door is opened. I am concerned we have no music.

Chairman Cosentino: Open windows should be prohibited.

Whitney Singleton: Moving along, under the delineation of dining areas, F-1, A-E. You had six provisions in there already. In light of the approval of the Brass Horn, I put in, "any form of delineation is determined by the permitting authority to be appropriate for the particular circumstances of the site." You're talking about a roof, a courtyard, a sidewalk café. The need for delineation could vary. An issue came up at the last meeting that appeared in the paper that offered a bone of contention between Austin and myself. I would like to clarify this topic where we began to discuss the issue of delineation. I said this delineation is not firmly present in many of the provisions in town. With regard to Pizza Pizzazz in particular, he currently has an outdoor dining area with absolutely no delineation at all. I don't believe that was approved by your board.

Vice Chairman Sturniolo: It recently changed.

Chairman Cosentino: It's on his property.

Whitney Singleton: There are big round planters out there.

Vice Chairman Sturniolo: Which was different from last year, when they had no planters.

Whitney Singleton: He has nothing now. He has a fewer number of tables. It doesn't look bad, and I'm not suggesting that it's a problem.

Chairman Cosentino: Don't plants look better than gates?

Whitney Singleton: You're making a recommendation to the Board as to what the regulation should be. I am simply identifying for you that we have some inconsistencies here that need to be reconciled. Are you going to let people do whatever they want, or are you going to provide parameters for them?

Chairman Cosentino: No. I see a lot of restaurants have gates for outdoor dining.

Austin Cassidy: There is actually a menu of options available for existing restaurants.

Chairman Cosentino: So we are trying to cut that down to one?

Whitney Singleton: No. I am suggesting that whatever the regulations be, they would be adherence to the standard that you accept. I saw a sidewalk café at the Indian restaurant, and there is no barricade at all.

Austin Cassidy: I have no idea if they have a legitimate permit or not.

Whitney Singleton: You are right. And that's a sidewalk café, Austin would not know that, and Mr. Palmer is out of town.

Vice Chairman Sturniolo: Mr. Palmer is the sole person in this whole building who would know the answer?

Whitney Singleton: Regarding sidewalk café permit issues, yes.

Vice Chairman Sturniolo: His secretary would not be able to go to a file cabinet and pull out a permit, yes or no? I'm not being argumentative.

Whitney Singleton: I saw it for the first time this afternoon. We want to make sure that whatever perimeters you accept works for you. If you want to jump ahead, included in the packet is a whole Restaurant Owner's Guide to Outdoor Dining that was done in Mount Prospect, Illinois, fact sheets, etc. We are trying to make sure that what they are doing is good for the community, but at the same time, an appropriate balance for protecting our sidewalks. Moving along, I clarified language on Paragraph G. The words were a little strange before. I think I've improved it and clarified it. I had taken the reference out to capping everything at one-third the numbers of tables. It is now consistent with the code. One-third of the total number of seating capacity within the premises to which a sidewalk café or outdoor dining is accessory. That leads to the question, is there not a difference between what a restaurant is approved for as far as seating and what its seating capacity is for fire code purposes?

Austin Cassidy: The numbers can be one in the same, or depending upon the major operation of the business, the market niche they are going for to create more space for their clientele.

Whitney Singleton: Is it possible for a place, based upon the square footage to have a seating capacity of say 100, but based upon the limited parking, to only have a seating capacity for 40?

Austin Cassidy: You're speaking of the difference between zoning and the -----.

Whitney Singleton: Correct. But when you walk into a restaurant and it says, "maximum capacity," is that the maximum capacity under the New York State Uniform Fire Code?

Austin Cassidy: Yes.

Whitney Singleton: So when someone decides that they're going to do outdoor dining, they could erroneously divide that by three, and say, "Oh, I'm allowed to have 100 people inside, I'm allowed to have 33 outside."

Austin Cassidy: I would not agree to that without analyzing the question better, because I think it's too convoluted.

Whitney Singleton: I want to make sure that when we talked about your not allowed to have more than 1/3 the total authorized seating inside, outside, that we're not talking about maximum capacity under state fire code vs. local.

Austin Cassidy: We wouldn't approve parking above and beyond something that is going through the planning stage for lesser parking.

Whitney Singleton: Let's take a "for example." If a restaurant has a physical capacity to seat 100 people, because of limited parking it's only authorized to have 50 people...

Austin Cassidy: Who approved the use to start with?

Whitney Singleton: The Planning Board.

Austin Cassidy: Then we are certainly not going to authorize seating greater than what the Planning Board approved.

Whitney Singleton: Right. But when you walk into the restaurant, having nothing to do with you...

Austin Cassidy: Posting would change, but it is not going to be in accordance with state law. If the Planning Board approved a restaurant to have a capability of 100 seats, that is the seating cap.

Whitney Singleton: And that is what is posted in the restaurant when you walk in?

Austin Cassidy: That's what it has to say.

Whitney Singleton: Thank you; that is what I wanted clarification on, hours of operation: 7 A.M. is a little early, but 11 P.M. does seem to be the standard by which other communities operate. I personally thought it was early for a Saturday night, but I have not seen one with a later hour.

Austin Cassidy: Again, being a community where our dining loop, if you will, is ringed by residential areas and the activity is going the warmer months most typically where sound carries late at night, if you don't want street dialogue and whatnot still occurring at 11:00 at night.

Whitney Singleton: I proposed something in regarding accessibility. I saw that some communities that have something about not just the clear path in front of the sidewalk café, but making sure that everything is wheelchair accessible to get in and out of the restaurant.

Ralph Vigliotti: Austin's point is well taken. Again, there are a number of apartments above restaurants, and I think 7 am may be early.

Whitney Singleton: That would be for breakfast restaurants, but I don't know that it's likely to be loud and disruptive.

Ralph Vigliotti: If a resident is eight feet above the outdoor dining, yes, it would be a 7 A.M, and I am concerned about that.

Vice Chairman Sturniolo: It can't hurt to leave it at 7, as opposed to 9:00. Jumping ahead, what are the Westchester communities that are represented in this packet?

Whitney Singleton: North Castle, North Salem, and Carmel (Putnam County). I hope to be able to access more, but now I have to go town-by-town and look at their code. I'm waiting for a password that

will allow me to search 1,000 towns at once. Other provisions, which we have not addressed here that could go into this category are lighting. I see a lot of communities say candles only or no additional outdoor lighting at all.

Vice Chairman Sturniolo: By candles only, we would also assume that would include electronic candles?

Whitney Singleton: I presume we would not draw the line. We can leave out smoking; that seems to be government or state law. I think you will generally find that outdoor seating in a lot of these places is specifically utilized for people to go outside and smoke. The other issue is parking.

Austin Cassidy: ----- terminating at September 30.

Whitney Singleton: It says in Paragraph N that each permit granted pursuant to the subsection D shall expire on the 31st day of December of each year in which it was granted. No matter when the sidewalk café or outdoor dining permit is issued, it expires December 31. How do you want to materialize into a draft that you want to put before the Board?

Chairman Cosentino: We have a lot of reading to do. We need one more meeting on this for review again.

At this point, it was decided that each Board member will review the packet individually and report to counsel. The subject will be placed on the agenda for the June 14, 2011 meeting.

Correspondence

- **Memo from Austin Cassidy to the Mount Kisco Planning Board dated May 17, 2011 re 10 South Bedford Road – CVS Site – Overview of Applications**

Chairman Cosentino: Mr. Cassidy wrote a memo on this regarding the CVS site while doing an overview of the application. You can see what they've done to us. They said they were going to appear before us, and we've never seen them. As far as aesthetics, they've done no plantings. The parking lot is a zoo. Shrubberies and trees are not to be found. They are not a good neighbor. I would like to share pictures with you.

Ralph Vigliotti: Are we pulling the site plan to review?

Chairman Cosentino: I would like to pull the site plan, Mr. Cassidy. I think there is good reason. When they came to our town, we welcomed them, and this is what they've done to us.

Austin Cassidy: We were on the verge of sending notifications for the purpose of record to notify them that we were considering all applications abandoned.

Chairman Cosentino: That's what they did.

Austin Cassidy: We wanted it accurately reflected in the record, because it is just open-ended right now.

Chairman Cosentino: I was personally told by one of their head people that if they don't get the signs that they want, we don't get the landscaping and improvements on the building that we want. I told him that there is no one that puts me against a wall, and that they have to do with the ZBA what they have to do, and we will do what we have to do as a Planning Board. The place is a mess. That is why they walked away from us and the ZBA and left the parking lot the way it is. I would recommend to all of you to take a walk around the building and see what they've done. They just left and it's clear they don't care. I want a reason to pull their site plan and I want whoever has to come before this Board to answer some serious questions. Please put them on the agenda for June 14. I am really, really upset about this.

Ralph Vigliotti: We have several national chains in Mount Kisco that have beautified their sites to make themselves more welcoming to our community and to enhance our community. CVS has turned out to be a bum. They have done nothing. Absolutely nothing. Mr. Chairman, you are 100% correct. It is a focal point coming into our village to the hospital, off 684, and they've done absolutely nothing to that site to improve it, to bring it up to a standard that is acceptable by this village. It's a shame.

Vice Chairman Sturniolo: I wholeheartedly agree with you, Mr. Chairman and Mr. Vigliotti that CVS is a blight on the landscape of Mount Kisco. It is an insult to the residents of our community, and it must be cleaned up and will be cleaned up. This is going on far too long, and it is intolerable to look at this eyesore.

Stanley Bernstein: I have mentioned it a number of times. I have been all around the country and every CVS, especially if it's not in a shopping center and self-standing are beautiful. The architecture is first class. They seem to consider the Mount Kisco location a dumping ground. It's a dump, and they make their building to look like a dump.

Chairman Cosentino: They continue to keep it that way and walk away from us.

It was instructed by Chairman Cosentino to place this item on the agenda for June 14, 2011, and send notification to the CEO of CVS.

- **New York State Department of Environmental Conservation – May, 2011 Draft Investigation Work Plan for Brownfield Site (6 Morgan Drive), Available for Public Comment**

Whitney Singleton: To update you on that, the Crème de la Crème had some issues, and the building inspector issued a Stop Work Order. The site sat dormant for a period of time. They came to your board. Representatives from Department of Environmental Protection indicated they would be doing some remediation at the site and met with your Board. There was some degree of an acknowledgement as to what Mount Kisco will accept as remediation for the site. They have applied to enter the Brownfield's cleanup program. Their application

was prepared and we were provided with a copy by their attorney. We reviewed it internally, and we have your Hasmat consultant, Becky Cannel, (sp?) reviewed it, thought the plan was appropriate and it was submitted to DEC back in July 2010. In August of 2010, the DEC rejected the application as not being comprehensive enough. They have resubmitted it and it is currently under review and is available for inspection over at the second floor of the library.

Stanley Bernstein: Is Crème de la Crème still in the picture?

Whitney Singleton: Yes. They are processing the application. They are the owners. They are pursuing the Brownfield remediation.

Stanley Bernstein: If you can recall, when the city was here they completely denied everything, the underlying reason probably being they did not want to pay.

Whitney Singleton: They have acknowledged and it and they are willing to pay. That's why they were here. They wanted to see the degree of clean up that Mount Kisco required. It is open for comment after review. I read it cover to cover. I don't have the degree of expertise to comment on it intelligently. Essentially, what I notice is the scope of the sampling is much more comprehensive than it previously was, even though there were sludge beds and filter beds that were the area of concentration, the DEC is requiring them to do some upstream and downstream testing.

Stanley Bernstein: And DEP said it would not affect their water supply.

Whitney Singleton: Correct. Really, there is nothing more for me to do at this point. It is at the library for your review. I don't know whether this Board wishes to have any of its consultants review that. I am not in position to authorize that.

Vice Chairman Sturniolo: For clarification and the flow of information, what we think may be a typo in our calendar change, who will address the calendar change?

Chairman Cosentino: Patti will do so.

As there was no further business to be discussed by the Planning Board, on a motion by Vice Chairman Sturniolo, seconded by Mr. Vigliotti, the meeting was adjourned at 10:20 P. M.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm