

Minutes  
Meeting of the Planning Board  
Regular / Work Session  
Village/Town of Mount Kisco  
Tuesday, December 13, 2011

Meeting called to order at 7:55 P.M. at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

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

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

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

Vice Chairman Sturniolo: We are going to take a few items slightly out of order on the agenda. The first item is going to be a lighting presentation and discussion about the parking lot rooftop lighting for the hospital, and that will be done by me and Mr. Hertz.

**Special Presentation and Discussion Hospital Parking Lot Lighting**

Vice Chairman Sturniolo: This is basically to update the Planning Board members on a meeting that was held a few weeks ago. As we all recall the sub-committee was put together at the initiation of the Planning Board to go over some different lighting concepts and discuss what the best way to see with this lighting is. Mr. Hertz and I wanted to share with the board the outcome of the meeting that we had. This lighting issue will come to the Planning Board at a later date. It is a totally separate issue from the next item on the agenda, which is the amended resolution of approval for the hospital. This has nothing to do with that. This is a separate issue. We met with the hospital consultants headed up by Mr. Caruso. We looked at different configurations on poles on the top of the roof. If you have lower poles you need more of them, and they need to be spread out over the edge of the roof. If you have slightly higher poles, you can concentrate less number of poles in the center part of the roof, which makes it look a little less visible to the naked eye from the sidewalk and the neighbors in general. We are looking at six poles with 15-foot arm extensions coming out, and there would be two LED lighting fixtures on each arm. The plan will also show that three of the corners will have low wall-type lighting to light up the corner sections only. They will not be high; they will be much lower. That will give you corner lighting that is currently missing if you only went with the six poles.

Doug Hertz: The conundrum that we have is that we asked the applicant to come up with two different scenarios, one of which was

Planning Board  
Regular / Work Session  
December 13, 2011

totally compliant with the proposed lighting code and the other, one we could look at understanding that this is a very, very sensitive unusual site because it's raised with walls that potentially buffer. We looked at some elevations and renderings from different areas and thought what it would be like if we used the 15-foot pole height. This forces the poles the perimeter of the parking structure. The feeling and agreement that we came to was that it was actually more onerous and more visually intrusive than if we put fewer, higher poles to the center of the structure, because as we're looking up from almost vantage points, the parapet walls on the upper floor of the parking structure will do more to shield the view of the lighting poles from most places than having these perimeter lights, which would necessarily be unshielded from view from a larger number of things. Against my original expectation, we were convinced that this was really the proper direction to go, would be successful in what they need to accomplish, and we'd have the least visual intrusion into the area. We finessed it a little bit by adding a few wall-mounted units that won't be visible from anywhere except on the structure itself because they are completely shielded by the walls entirely. They are not above the wall heights. We talked about not only going with the LED's but making sure that they are color temperature and color renderings, which are two things that have to do with the quality of the light as it is perceived by everyone. It would be as pleasant as possible, so we are asking the applicant to do all that. We also talked about integrating both current EV charging stations as well as the infrastructure to be able to build that out in the future if demand warrants. One of the things that was brought to our attention, which is interesting; and we may want to actually look at the code in its entirety, was looking at the lifespan of some of these lights. The question, in terms of light levels is are we designing to the initial light level of a unit, its half-life light level or its end of life light level. It is unspecified in the code. It is taking into account in some of the other advisory documents that we built our code from. They have done an analysis of those three levels, which are essentially turn on level, half life level and end of life level. We recommend to the Board that they go in that mid-point because it seems to make the most sense. Going forward, we may want to look at that for purposes of tweaking our code, as this is the first time that discussion has come up. The feeling overall is that we have a successful plan, they are going to tweak whatever is necessary and it does not impact our decisions tonight with regard to the structure. Nothing about the structure will change one way or the other. So, they are going to move forward. We've asked that they prepare elevations for the Board showing what the impacts are going to be from various angles and a few other pieces of information that we asked for. We will probably see that in January.

Vice Chairman Sturniolo: If I could amplify a couple of points that Mr. Hertz brought up; one, there is a thing called a Color Rendering Index. Basically, (I am holding) a blue pen. However, if you take this blue pen and look at it in sunlight, which is a color temperature – not to get into a physics class – of approximately 6,500 degrees Kelvin, this blue pen may be another color. A pen on top of a rooftop doesn't matter much, but lighting on people faces does matter. The Color Rendering Index has a scale of 1-100. Once you approach 80, you start to get to a perfect color rendering, which means that the artificial illumination that is lighting up your face or my tie or this blue pen is accurate and

Planning Board  
Regular / Work Session  
December 13, 2011

there are no lapses in certain color. You see a lot of that sometimes in fluorescent lighting when people kind of have a green, ghostly look. All that means is that there is a certain wavelength of frequencies that are missing from that light. This proposal shoots for a Color Rendering Index of 70. Again, when you get into that 80-85 range, you are almost at the top end of it. When we did the resolution of approval a few years back, there is language in it that encouraged the hospital to use the best available technology at the time. Well, the best available technology right now is LED lighting. LED is nothing more than Light Emitting Diode, and a diode is nothing more than a simple half wave rectifying where you put some voltage in, it starts to glow, and that's what gives you the lighting output. I brought two little penlights. One is a typical light, which is like an incandescent lamp. This one is an LED lamp, both powered by the same battery. The voltage is the same, the focusing capability of the individual light is the same, but in a darkened room you can see that your pleasure would be to work with an LED flashlight versus a traditional incandescent bulb flashlight. This is the type of technology that we are talking about using on this plan. Mr. Hertz also mentioned the charging stations, which is something that the hospital offered and wants to do to keep in the current trend of having green technology and a green approach to this parking structure. The amount of charging stations will increase as time goes on, but initially the hospital is committed to put in X amount of stations at the start and work their way from that point on. Color temperature - sunlight is at 6,500 degrees, ballpark. LED lights are traditionally at 6,500 degrees Kelvin. It is a very white, bright light. There were some options that Mr. Hertz I and Mr. Caruso's team collectively looked at to lower the color temperature of these 12 individual lighting fixtures mounted on six poles and the reason for that is when you look at it so it doesn't look as "white hot." It will look a little bit warmer so it doesn't shock you so much when you're on the sidewalk looking up at it. We were able to use a bulb at about 4,300 degrees Kelvin, which is a warmer glow, but still maintaining the required lighting output for safety and luminance values in general. The fixture controls the luminance values as far as the spread of the lighting. Everything is going to be full cut off fixtures. The LED lights are going to be dimmable and based on a time clock basis that the hospital works out. When 3 AM comes and there is not a lot of traffic up there, the lights can go down automatically. As traffic moves in or out, there are motion sensors; they can bring the lights up. It's not going to be an herby-jerky thing where the lights go up and down like Playland; it's going to be a simple transition. It's not going to happen instantaneously. This is the general gist of what we accomplished. Again, as Mr. Hertz said, the bulbs are long-lasting, so we took that mid-range because the bulb in this flashlight is going to burn out 20 times faster than this LED bulb. As the bulb gets older, its light will naturally diminish. We took a mid-range to match our village code.

Michael Caruso: We were going to look into the "dimmable" of the fixtures. We do not know at this point in time how much infrastructure that would require, the size of our electric closets to dim them, but we did speak about it. I don't want you to think we are going to look into to see what it is going to take to put that type of infrastructure in.

Ralph Vigliotti: While you are making that clarification, the wording of

Planning Board  
Regular / Work Session  
December 13, 2011

"looking into" as opposed to putting it in place. I like what you presented, and I like the proposal of dimmable lights up there, particularly for that neighborhood. So, looking into it as opposed to making a commitment to making it happening are two different things.

Michael Caruso: We did talk about it at the subcommittee, and the reason why I'm talking about it is because there is a certain footprint that is allowed for the electric room. There may be lots of infrastructure that is going to be required to dim that amount of lights.

Ralph Vigliotti: I want to push the envelope a little bit. We gave up a fantastic façade for money, and now we're going to give up the dimming of the lights because we may need an extra parking space or an extra ten feet to create an enclosed structure to support the dimming of the lights. I don't like the idea of looking into it. I think we need something a little bit more concrete. It is something that I would like to see happen, particularly for that neighborhood. There is no reason to have lights illuminating at the highest power in a residential neighborhood when there is the technology to prevent that.

Michael Caruso: Agreed.

Ralph Vigliotti: I think we need something a little bit more definitive.

Doug Hertz: Dimmable may be the wrong word, because we were talking about is – and I think the hospital is committed to be lowering the light level during the off hours. The question becomes exactly how that is achieved, whether it's achieved through a dimming system or whether it's achieved through discreet units. There are many, many bars on these light heads, so it may be that half of those bars get turned off. We were concerned about the turning on and off of lights and that change.

Ralph Vigliotti: One is automatic and one is manual.

Doug Hertz: They are both automatic, but one is a discreet change from one level to another and one is a softer transition. It has to also do with, if the technology is feasible on these commercial systems. On very, very high-end architectural systems, dimming is feasible. They were looking into the feasibility of it for essentially a parking lot light. There is some question of technological interface between these two. We all agreed that we wanted to achieve a lower light level when it's possible, with automatic controls to do that.

Michael Caruso: And we're committed to provide that as long as it meets the needs for the safety of the occupants. There is certainly a commitment. I didn't want you to walk away saying that's going to be dimmable from day one. We are looking into it; we are going to see what works best, obviously, in maintaining safety.

Doug Hertz: We've asked them when they finalize their presentation, which should be January, to see something about how they are going to achieve that.

Tony Sturniolo: The way it is done with these lights is that the fixture is a series of five individual diodes on a bar and then another bar

below it and another bar below that. So you can turn off one or two bars when you don't need it and achieve the same lighting output as if you put it on a traditional dimmer and cranked the voltage way down.

Michael Caruso: We also talked about tweaking it in the field, when we initially installed it.

Tony Sturniolo: Besides tweaking it in the field, we also talked about going up there at night and making adjustments to the individual cut-offs of the fixtures to control light spill so you can view it from on top of the roof. There will be people down on the sidewalk and all kinds of adjustments will be made at the point of installation.

Michael Caruso: We also talked about offsetting the arm as the levels go down to drop it a little bit lower. There are a number of options that we spoke about.

Ralph Vigliotti: The words "looking into" are a little too soft for me.

Michael Caruso: Because it's not easily done. Our parking consultant, Walker Parking, who represents us, is worldwide. It's not an easy task to do, but we are going to certainly see how we are going to come up with it to make it work.

Ralph Vigliotti: How many charging stations are you looking at?

Michael Caruso: It's all based on the calculation of power that is available. We are going to have to bring a separate feeder into the parking structure for that. Again, when you look at the technology for charging stations, you can have a charging station that is going to be good for a person parking in that space for an eight-hour period as opposed to a visitor pulling up for maybe an hour and a half to two hours. That type of charging station requires a lot more usage of power. That is why we are just looking into both. We also need to look into credit card charging machines on them, because it could be costly. We were committed to put an X number on it because we are still working with Con Edison to find out the available power they can give to us.

Ralph Vigliotti: So "X" number means there will be some?

Michael Caruso: There will be some. We are committed to providing that.

## **FINAL RESOLUTION**

**Northern Westchester Hospital – 400 Main Street  
PB2003-02D (80.49-3-14)**

**Present:**

**Michael Caruso, Vice President, Facilities, Northern  
Westchester Hospital Center  
Joel Seligman, President, Northern Westchester Hospital  
Center**

Planning Board  
Regular / Work Session  
December 13, 2011

**P. Daniel Hollis, III, Attorney-at-Law, Shamberg Marwell & Hollis, P.C.**

Tony Sturniolo: This is the draft resolution that we are going to be voting on for approval tonight for the Emergency Department for the approved site plan for the parking structure special permit and a permit to disturb sensitive natural areas. It is a document of 14 pages. It's basic heart and soul has not changed from the original resolution. We've had to tweak some languages, make some reference to dates and fees. That is it in a broad stroke approach, but I welcome my fellow Planning Board members to comment on it.

Doug Hertz: Can Nanette or Whitney detail what the changes have been that we should be aware of since the first one was distributed?

Nanette Bourne: The changes are underlined, which includes both the changes and the additions that were made from the original to some modifications that were requested by Whitney. There was another change, which I would like to clarify from the applicant. Mr. Caruso and I had this conversation and it really is not substantive; I would like it to be correct. In the original resolution it was referred to a parking structure of 457 spaces, which did not differentiate the number of spaces in the structure versus the surface parking lot, which is probably why it does not gel. For this revised resolution, Mr. Caruso had given me a table, and I just wanted to make sure that it was correct. The parking structure itself allocates space to the hospital and then to the retail. What is the total number of parking spaces in the structure?

*Discussion and calculation followed.*

Michael Caruso: 462 structured parking spaces. 28 of those 462 structured parking spaces are allocated for retail, and there are a total of 32 surface spaces for retail, which gives you a total complement of 494 spaces allocated for hospital and retail.

Nanette Bourne: Those numbers need to be reflected in here. Those changes would have to be reflected in the footnotes on Item 41 as well. I will make those changes in each one of the cases.

Doug Hertz: On the very last item, 45, we talked about this at a prior meeting; we are going to add, "The applicant is going to provide us with a table, and we are going to allocate spaces?"

Nanette Bourne: This was discussed at our last meeting. You were going to confirm that it is 14,000 square feet.

Michael Caruso: I will give you the square footage broken down for retail.

Whitney Singleton: Is that inclusive of 444 and 454?

Michael Caruso: That is correct.

Nanette Bourne: So we wanted to have a table of tenants to make sure the parking that is allocated for the retail is for the 14,000 square feet of tenants with the approximate parking demands.

Doug Hertz: Is the language in here saying that the applicant is going to provide that table and it is going to be reviewed by the building inspector?

Nanette Bourne: Yes, and it assumes that the relationship of parking supply to parking demand that exists today is as it needs to be held throughout time. If it changes significantly, the building inspector would make the determination that the changes are significant and they will have to come back before the Planning Board, similar to 305 Lexington Ave.

Whitney Singleton: To the extent that there is going to be any change in the utilization of St. Mark's Plaza, it is going to have to comply with the parking regulations. They are allocating 60 spaces for this use. If they propose a mixture of uses and square footages that is not compliant, then Mr. Cassidy is going to have to deny them, so they can come back to you and demonstrate substantially off-peak operating hours between uses.

Doug Hertz: I totally understand that, but there is an issue, they are in violation with the hospital's parking structure plan?

Whitney Singleton: I didn't say the hospital's parking structure. Most of the parking for the St. Mark's site, roughly half, is within the structure. Because it's the same ownership, I do not want to get into an "it's not my fault, it's his fault" situation. They are all one in the same and they are bringing in a joint application.

Ralph Vigliotti: Mr. Cassidy, have you had an opportunity to put a current table together on what is there now versus the parking?

Austin Cassidy: I reviewed this couple of years ago and have not looked at it since.

Ralph Vigliotti: It says, "A table showing the allocating of parking per tenant space." It seems like it would be a good starting point to have what is there now, what is allocated now and how many parking spaces are left, because there are two or three vacant stores there.

Michael Caruso: I think the other advantage that our parking structure lends itself to this is that we have a barrier that we have separated the structure so that the retail does not contaminate the hospital side and vice versa. That barrier can be moved, circling to allocate more retail in the future if there was a need for that.

Ralph Vigliotti: It's not a permanent barrier?

Michael Caruso: It's permanent enough that someone is not going to get out of their car and move it. It would be some type of concrete structure. The structure design itself would lend itself to do that.

Ralph Vigliotti: Even though you have three stores that are vacant, on a Friday or Saturday evening there are folks that are parking in the residential neighborhood in order to frequent the restaurants there. The concern is we at maximum now, and what does that mean for the future for those retail spaces? Do you have ten spaces left that you can allocate to those three vacant stores? The whole idea is that if we move the barrier that will open up the floodgates and then we may not have enough.

Michael Caruso: The allocation of the 60 spaces not by any type of definition, just by visual; you said an evening tends to get busy in there. Usually a lot of the tenants, like the deli, close so you don't have that kind of business going on. I have not seen any problems, it has always looked fine to me every time I walked out there. But you want to see by the calculation on how many are there.

Ralph Vigliotti: I think we should have that.

Austin Cassidy: If I may speak to the record, there is one popular destination that is not on this campus. It is owned by someone else and has absolutely parking in support of itself. Clearly it is not just an issue of spillage; all parking that goes there either trespasses on this property or parks out in the main one. That is a reality that cannot be changed unless that business ceases. To compare the requirements of today to the tenant mix that you have right now versus the 60 spaces, somehow I think we did this about five years ago. We can do it to refresh it now. I don't know if it is critical to this action tonight.

Ralph Vigliotti: I don't think it's critical to the action, but I think it's something we should have on record.

Austin Cassidy: Absolutely; you want a database.

Ralph Vigliotti: I think 305 Lexington Avenue is a perfect example of trying to regulate the type of business based upon the number of parking spaces that are actually available. I know you've made a commitment to try and regulate the kind of businesses that go there, but it would be nice to have a point of information as to where we are now with the businesses versus "we think." Or are there folks that are trespassing and using the spaces?

Austin Cassidy: What is the square footage of St. Mark's Plaza?

Michael Caruso: Approximately 14,000. It would be a square footage calculation?

Austin Cassidy: Square footage and use, which will set the parking factor. Then you tally the numbers up when you're done as you go through each tenancy. It doesn't take a genius to take a look at 14,000 square feet and know that if you only have 60 spaces in support of 14,000 square feet, then the 14,000 can't be a restaurant. Something new coming in will affect the balance. For instance, if your Laundromat someday becomes an eatery you may not be able to have the parking to support that. It is definitely a change of use, but beyond that you might not be able to physically provide the parking in support of that.



P. Daniel Hollis: It would require a trigger of your change of use provision, and therefore either the Planning Board would agree to the change of use or the applicant would have to go to the Zoning Board for a variance.

Ralph Vigliotti: Not necessarily so. The Chinese restaurant, which was almost exclusively take-out a few years ago, now has a pretty good sit down clientele which has taken up many, many more parking spaces than it did two years ago. So while it's the same type of business, almost exclusively take-out, to take out and sit-down, you will see it's not just take out anymore. When you go from take-out to sit down it changes. We have to really be diligent in the type of businesses that go in those 14,000 square feet.

P. Daniel Hollis: I think you're asking for a baseline as to what is available now with the most restrictive provisions that you might apply to the 14,000 square feet.

Austin Cassidy: This is the typical conflict of when this location was approved there were different parking regulations. If we were looking at this today, 60 spaces could not possibly support it unless they were all very low end, low traffic generating uses of some type.

P. Daniel Hollis: We understand your concern and will provide that information.

Whitney Singleton: Is the applicant being required to provide the requisite parking under the code or is there a "base line?" For future reference, that is something we need to know. There is a 14,000 square foot building here that has less than given its current uses a parking requirement presumably less than 60 spaces. As it gets "re-tenanted," are they going to have to comply with the parking or are they complying with some other standard? That was the genesis of requiring the last approval.

Austin Cassidy: This is shooting from the hip without speaking factually, but I'm guessing, given the amount of retail that is there, it probably does not meet today's standards now for 60 spaces.

Nanette Bourne: If we use 305 Lexington Avenue as the model for this, you have not evaluated each tenant by itself.

Michael Caruso: That is the baseline that we are talking about.

Nanette Bourne: That is the function of the overall center, and as tenants come in you've looked at the parking supply and utilization and you've made adjustments throughout the years that you've been looking at 305. So, every time a tenant changes, you have made sure that the parking balances and that the supply is there. You have not necessarily looked at individual tenants and their parking requirements.

Austin Cassidy: Here is another way of looking at this. This may even be an improvement, and again I am doing this anecdotally. Before

everything was re-contoured, in the old days, how many parking spaces were supporting St. Mark's Plaza? 30-40?

Michael Caruso: Yes, that's an educated guess.

Austin Cassidy: Now you're providing 60 and supporting it.

Ralph Vigliotti: And the 60 may very well handle.

Michael Caruso: As I recall, we looked at the square footage basis a number of years ago.

Austin Cassidy: Technically it may still be a shortfall by today's standards, but you're doubling what was there before.

Ralph Vigliotti: And the doubling, I believe, will handle what is there now because you have three vacant stores. That is the balance. What you do and what we request, which is to come before the Planning Board to make sure that the stores you are considering putting in there balance out the parking that is remaining.

P. Daniel Hollis: Doesn't the building inspector have the initial review authority to make sure of the change of use?

Austin Cassidy: It's a protocol, I have to.

Ralph Vigliotti: So having a baseline would be something that Austin would need, and that is what I'm asking, what is a baseline?

Austin Cassidy: Local law protocol has to be followed in conjunction with the Chairman.

Tony Sturniolo: It all goes back to the example Ms. Bourne cited at 305 Lexington Avenue. There are "X" amount of spaces and "X" amount of stores. One tenant goes in and comes out and someone else goes in. As long as the parking requirement doesn't change and go up, it requires nothing more than that. That becomes the discretion of the building inspector as he sees the new changes come in.

P. Daniel Hollis: If he has a concern, he sends it to you and you either approve it or not. I was involved with the initial approval of 305, and that worked because of the bank having two of the five stores. We would have to demonstrate from today, which would be the baseline, going forward.

Tony Sturniolo: Although the subject is not 305, as far as I'm concerned, 305 seems to be working out well as the tenants move in and out because of the certain criteria and standards that everyone knows you need to meet.

Whitney Singleton: I don't know that that resolves it, but that's okay. The way the resolution is written they are required to comply with the parking. If that is not acceptable to the board or to the applicant, it should be addressed now. It says in Condition 45 that they must independently satisfy the parking requirements. If that is not going to

be met, it's better to address it now rather than have it become an issue for the property owner and the tenants.

P. Daniel Hollis: In 45 if you use the word "separate" parcel then you're distinguishing between the hospital parcel and the retail parcels. If you put the word "separate" on the fifth line that could do it.

Whitney Singleton: Are you saying that St. Mark's Plaza, inclusive of 444 Main Street is going to independently satisfy the parking requirements on that site?

P. Daniel Hollis: For itself, and that would not be a violation of the hospital site plan for the parking structure.

Whitney Singleton: I believe Austin is saying you can't meet that.

P. Daniel Hollis: This plan has improved what was a deficient situation.

Nanette Bourne: I believe the problem is the phrase, "independently satisfy the parking requirements."

Whitney Singleton: Is St. Mark's Plaza going to have to independently satisfy the parking requirements associated with its site as to the 60 parking spaces?

P. Daniel Hollis: We are trying to make sure that the retail utilization on St. Mark's Plaza does not overwhelm the parking for the hospital. I think the way to do that is to be cautious in the way we word Item 45, putting in that we shall be compliant with all change of use requirements as set forth in whatever section of the code is that makes reference to the change of use. So, satisfy the provisions of the change of use provision.

Whitney Singleton: I don't mean to be argumentative, but I don't think what I am saying is being comprehended. You have to know what the baseline is. What happens when one store comes on line and Mr. Cassidy is presented with an application to open up a pharmacy, pizzeria, etc? What is his baseline to evaluate this?

P. Daniel Hollis: According to the change of use section, that seems pretty benign. It's low, daytime traffic. It will not impact that 62-space area. If that does impact the 62-space area, you go back to the Planning Board.

Whitney Singleton: My question is that Austin is supposed to look at the code, not do one of these.

P. Daniel Hollis: You have a deficient situation there from the prior non-conformant.

Whitney Singleton: We agree on that. Right now, the way I have this worded is saying that you are going to have to comply there. If that is not the desire of the board then that should be in the resolution.

P. Daniel Hollis: Then I think there should be some specific reference to some 62 spaces attached to 14,400 square feet and work from that baseline.

Anthony Oliveri: Do the 60 spaces for proposed retail satisfy the parking requirement for 14,000 square feet? That is the question.

Ralph Vigliotti: We don't know that because we don't have a baseline. We need a baseline to know that.

P. Daniel Hollis: The baseline is no problem to provide. The point that has been raised is to avoid a situation where the next tenant that comes in there becomes impossible to place because of the fact that the parking is deficient according to current standards based on the number of parking spaces per square feet for a given use. We are trying to get to a point where we can establish that. As of now, the 62 spaces seem to be able to handle the 14,400 square feet. In the future, it shall be the discretion of the building inspector. If he requires it to go to the Planning Board, then the Planning Board will determine if the mix of uses is sustainable by those 62 spaces.

Doug Hertz: One, I think we're talking about six spaces; two, we don't have an analysis that says that the 60 spaces are or are not adequate; and three, Mr. Caruso has suggested that one possible fix for that is to, in the future, shift that barrier so that if 60 spaces are what is required, that can be adjusted. Since we don't know where we are starting, we should not vote that section in.

Michael Caruso: As I recall, in 2008 when we were originally before you looking at this, we did the square footage calculation. As I recall, it came up to approximately 66 or 67. I am going to look at it again and test it strictly based on square footage, not by mix of use. I do not think we factored that in. As you see, the prior resolution was adopted at 60 spaces. 457 spaces were to be provided; 60 spaces would be dedicated to retail. My only suggestion by moving that barrier is for a change of use in the future.

Doug Hertz: It could be, quite frankly, that when you're fully functional, you've got extra spaces and the hospital can use them.

Whitney Singleton: There is another alternative here. If the applicant and the board are amenable, you can approve the resolution as it currently exists and this issue can be revisited when they come back for their lighting approval.

Tony Sturniolo: If we went that route for the lighting approval, which means collectively there would need to be some dialogue and a game plan put together so it can be addressed some time in January during the lighting approval. Work on collective parts.

P. Daniel Hollis: We will work on that with Mr. Caruso's input on the logistics.

Anthony Oliveri: None of the drawings that are cited in the resolution now have a parking count on them. When this is resolved, they should

include that on the drawings. It would just be a number in the resolution.

Nanette Bourne: We can add that as another item. I will include it as Condition 46 that they revise L-201, which is their site layout to include a parking summary.

Tony Sturniolo: Going backwards, Condition 44 makes reference to the final site illumination plan that we briefly outlined here this evening. It is incorporated in Condition 44.

Ralph Vigliotti: I understand you increased the buffer along St. Mark's Place. It is mostly deciduous trees on the set of plans I looked at. If we are trying to block the view of the parking structure, coniferous trees would provide a better buffer as they grow. I think it would benefit the neighborhood.

Stanley Bernstein: We all love the hospital and think it's a very important part of this village. As you all know, I've expressed my opinion on the need and the quality of the hospital a number of times and I've spent many, many days of weeks of quality time in your facility, as you well know. Because of that we very rarely push back on any of your requests. The entire tenure of the way this thing is going has always been in your favor. We are glad not to push back. I mentioned last time along with a few fellow board members that we are very disappointed over the final look of the structure. When it was originally worked on we felt like it was looking like a building, an asset to the neighborhood. Now it looks like an actual parking garage. Be that as it may, we are cognizant of the prices and prohibitive costs and went along with it. I am given to understand that this retail space on St. Mark's Place is going to be left the way it is. That is the impression I went home with last time, and I do think given all of what we've done and given back to you, you can spend a few bucks and dress that up. It's a horrible looking façade and does the village no good. The landscaping that we spoke about is important, but I think the façade should be changed. I don't think the cost is prohibitive and it's a slight change. It's not structural and anything of that nature and I think that is something you should be more than happy to do for the village.

Joel Seligman: We have a very long list of capital needs. This is not something we're working on at this time. I think your opinion on this is very important to us and something we can take under consideration; but it's not part of the plan at this point.

Stanley Bernstein: I hope you'll think about it in the near future.

Joel Seligman: Your point is very well taken. I think it can be improved but we have many things that need to be improved. We have to put that together with other priorities.

Ralph Vigliotti: I hope this becomes a bit more of a priority. I honestly believe we had the vote and our conscious got to us to vote down the new parking structure look from the prior look, and the board individually, including myself, decided to do what was probably in the best interest in trying to help the hospital financially, but not in the best interest of the village at large, because the next parking structure

to come in will be looking at that structure. I think what was just mentioned about trying to improve a retail site that hasn't been improved in 40 to 50 years may be something that you can do that doesn't cost millions of dollars to make that section of the village attractive. I think it's a concession that I'd like you to bring back to your board that something the village is asking you to do for the village as well as your own retail shop, knowing what we've tried to do in trying to support your efforts and being a good neighbor. I don't want it to be Number 29 on a list that none of us will ever see. I'd rather it be reachable within the next five or ten years.

Michael Caruso: We thank you for all your input and support.

**Motion to Approve the Resolution for the Emergency Department Modification to the Approved Site Plan for Parking Structure Special Permit and Permit to Disturb Sensitive Natural Areas**

**Motion: Stanley Bernstein**  
**Second: Doug Hertz**  
**Aye: Sol Gibbons**  
**Aye: Ralph Vigliotti**  
**Aye: Doug Hertz**  
**Aye: Stanley Bernstein**  
**Aye: Tony Sturniolo**

**Conceptual Application:**

**Mount Kisco Coach Diner**  
**252 East Main Street**  
**PB2011-10 (80.33-6-9 & 10)**

**Present: Anthony Monteleone, Esq., Monteleone & Monteleone, Attorney for the Applicant**  
**Russell A. Davidson, AIA, President, K G & D Architects, Architect for the Project**  
**Harry Georgiou, Principal, Mount Kisco Diner**

Anthony Monteleone: The site plan we've given you is not much different from the site plan that you reviewed in the past. You will note that it has ingress and egress on separate sides, I believe that was your preferred course of ingress and egress the last time you reviewed this matter.

Russell A. Davidson: We are relatively new to this project. We will be the architect of record for it as well as the civil engineer for it. It is very new and my understanding the point to tonight be speaking to you conceptually and get the two lots merged. We have inherited the project and we know a lot of work has been done with your board. We believe this is the preferred configuration, which is a one-way flow through the site. The only difference you are seeing on this site plan in terms of the building is that earlier there was a dining room addition and a small kitchen addition and an entrance addition on the south side of the building, and that is now not being proposed. That square footage is being provided all in the dining room and kitchen addition. It is just a shifting around. It's the same amount of new square

Planning Board  
Regular / Work Session  
December 13, 2011

footage so it would not impact the overall parking. We, of course, understand that you are concerned what this will look like, and we will be back to you on that. The owner is pursuing a sophisticated look involving hopefully some of the stone that you see on the retaining walls back and up and down Main Street as well as synthetic stucco in a neutral color and some sloping metal roofing material. It is desirable that the dining room addition has a slightly higher roof than the existing diner, which is very restricted to a low ceiling, and we'd like to get a little bit more volume in the dining room addition, which we'd be showing you a sloped roof. It is undoubted there will be some canvass awnings involved, and there will be some outdoor terrace on the south side, so there will be a little bit of waiting space outside of the diner that is a little bit more civilized than people just stacking up on the sidewalk, which does happen.

Doug Hertz: You said the net new square footage is the same, but you've taken away some of the waiting area and turning it into dining and kitchen. I know you are inheriting this, but we had prior concerns regarding the amount of parking relative to the amount of eating space. If you're increasing that, that is something that we are going to look at very, very carefully.

Russell A. Davidson: We'll take a close look, but I really believe we took entrance vestibule and traded it for a kitchen, but I hear your concerns.

Anthony Monteleone: I don't think there is any increase in the number of seats.

Russell A. Davidson: Understood, but I hear your concern.

Tony Sturniolo: One of the things that the Planning Board as most concerned about was the lack of increased parking area for this site. There was a traffic study done and you obviously have access to the numbers. The clients and the mixture of the businesses in the general area have changed now from what it was the last time. The restaurant across the street is successful. It's using up its own parking and that at one time was a catch-over and a spillover for the diner to use.

Russell A. Davidson: That has reversed itself now.

Tony Sturniolo: Some of the concerns we had in the past was the aisle width and the turn-around lanes within the parking area, where deliveries go. Currently they are still being delivered out on the street in the bus stop. I know on your plan you show a delivery area, we would like to make sure that is a really practical and usable delivery area in relationship to the parking spaces alongside of it. We are also going to want to look at the parking analysis based on peak loads of patronage within the diner itself. That is similar to what was discussed during the parking survey that was done. Those are some of my general concerns, lighting, as well.

Russell A. Davidson: We are not as far along as lighting.

Tony Sturniolo: I understand, but these would be the concerns once we get to those thresholds in the various Planning Board meetings in the future that we would need to address.

Anthony Monteleone: We will have our traffic consultant go back to your old study and come forward to you with his own comments.

Russell A. Davidson: At this point, the diner is incurring expense to actually have people protect their parking lot for their own use because the restaurant across the street is so popular. They are using the diner's spaces. It's a different situation and the diner is adding some space, but we understand the concern.

Anthony Monteleone: The restaurant across the street seems to be busiest on Friday and Saturday nights; not quite as busy during the week. There are a lot of stand-up people in that restaurant in addition to the people filling the seats. We've had problems with controlling our parking with their customers coming over. As Mr. Davidson just said, we have to hire someone to make sure parking is for the diner. The other restaurant has peak periods just as we do. I don't think our peak periods coincide.

Tony Sturniolo: That will come out in a traffic study. Are your collective thoughts anything to do with moving a bus stop in front?

Anthony Monteleone: Yes. I noticed in the old application that was one of the three options that were there. In those prior applications where the bus stop was moved and parking was placed in front, the ingress and egress was on one side. We are going to look at this, but that one had a provision for five or six cars in the front. I don't think we can get five or six if we have the ingress and egress separate from each other. We will pursue moving a bus stop and getting parking in the front with the State.

Russell A. Davidson: In terms of the amount of curb cut, this is actually less than the two combined properties now. We think it will give you a little bit more perimeter.

Tony Sturniolo: Is the applicant currently the owner of Paul's Power?

Anthony Monteleone: Yes and the applicant also has financing in place. We are ready to go.

Doug Hertz: One of the concerns when we were looking at this last, and I don't remember if we ever got to resolution on this, was the question of the size of the livery vehicles and the adequacy of using that delivery area as designed. One of the things that we are going to take a hard look at is that, because we know that there are deliveries in the street.

Anthony Monteleone: Sometimes.

Doug Hertz: It doesn't matter, but there was some discussion about the size of the vehicles that were making deliveries that didn't seem to jive with observations of the size of the vehicles that this is designed to accommodate.



Anthony Monteleone: I had that discussion with Harry a couple of times, and I think it's the unusual occasion when an oversized tractor-trailer is servicing the diner. Most times it's a produce vehicle, which would fit in.

Harry Georgiou: We do not allow tractor-trailers to deliver to us anymore. They are simply 30-foot box trucks that always deliver on off-peak hours and always in our parking lot. I believe a lot of people in the town see a lot of trucks making deliveries, those are not our trucks. A lot of trucks park right in front where the bus stop is and go to the deli or across the street to play their Lotto or get coffee. A lot of people deliver across the street to Social. They are wheeling in kegs of beer across the street and down the street to O'Connor's. It makes us look guilty, but it's really never our trucks. We tell our deliverymen to come back after 3 pm because they are not allowed to park here. Ever since we've had that meeting we've been very strict, and everyone has done what we've told them to. It is a little bit of a misperception from what you usually see outside.

Russell A. Davidson: We will be prepared to show you turning radiuses and that it really works.

Anthony Monteleone: We will try to keep score if you like, as we come in.

Austin Cassidy: If that were to be bus stop parking only, then it's municipally enforceable. The only vehicle to park in front of you would be the bus making the stop and not a truck. Could the bus stop be a positive in that regard?

Ralph Vigliotti: It comes down to an enforcement issue. I think it's a bus stop now, but it's not being enforced.

Anthony Monteleone: We wouldn't have a problem if it was enforced.

Tony Sturniolo: And not use the bus stop real estate as a village-metered parking space to "potentially" alleviate a shortfall in parking on your side. As the building inspector said, if the bus stop was a big bus stop, then there would be no parking in there at all.

Austin Cassidy: I will take a look tomorrow to see how it's posted. I do have a segue question, if I might. On this point of delivery, I did get a chance to do a preliminary review and I noticed that there is somewhat of a little jog in the ingress lane where it slightly bumps into what was a driveway on the right side. Is that the turning radius?

Russell A. Davidson: I don't know but I will take a look at it and we might be able to straighten that out. Again, we are inheriting a lot of this and really just getting into it.

Austin Cassidy: The site plan of record is showing a very linear, very straight planting area to the right along the ingress. I notice that this one has that little jog, sort of an intrusion.

Russell A. Davidson: We can look at it and might be able to straighten that out. It's just a treadle landscape area from one side of the drive

to the other. It might be better; I agree to have a little strip between the lanes. There is a shifting of how landscape area and the terrace will work. That is still being developed and we probably can straighten that out.

Tony Sturniolo: When you use the term "inherited this plan," and I'm not being cute with you, but this is your plan and you are the new architect of record. Obviously not the prior architect. You will approach this as intelligently and creatively as possible because it's your imprimatur and your stamp here, not inherited.

Russell A. Davidson: Let me clarify this. We put this together to get the discussion started again to talk mostly about the lot line, the two lots being joined. We are working with the owner and the owner's interior designer and we really want to come to you with a comprehensive site plan and architecture that really matches. All we are saying is that we are not there yet.

Tony Sturniolo: Understood.

Austin Cassidy: For anticipation as we go into the winter, do you think you will be filing a formal application in February?

Russell A. Davidson: I am hoping we would be in front of you in February, absolutely.

Austin Cassidy: So you are probably going to file your formal application the latter part of January.

Russell A. Davidson: Correct.

Doug Hertz: It's been awhile since this has been before us, but one of the other questions was the use of the new dining space. Refresh me if I get this wrong. There was some discussion about that being able to accommodate a single function.

Harry Georgiou: The extension will be mostly seating for the dining room. We are not keeping that for functions and parties. It will probably be another 50-something seats, strictly more booths and tables.

Doug Hertz: So it would have the same function, not booked in different ways?

Harry Georgiou: Correct. It might be a group that is seated together, but it is general dining, no catering for a private function.

Anthony Monteleone: In fact, the interior design is going to be more open. It could be closed off, but not permanently.

Russell A. Davidson: We will show you in detail. I understand your concern. You want to make sure you know what the use is.

Doug Hertz: Are there any other changes to the use or anything that would affect the timing of parking?

Russell A. Davidson: No, this is really about updating the diner and increasing its capacity a little, taking advantage of the additional property they own to sustain their operation.

Harry Georgiou: We were able to add maybe an additional six or seven booths, which will help people, not wait for booths, allowing people to leave quicker which will alleviate busy times.

Doug Hertz: Is the new kitchen addition integrated into the existing kitchen?

Russell A. Davidson: It is mostly going to be the storage area in support of the kitchen to get some materials out of the basement that floods.

Tony Sturniolo: One of the things we were told the last time was that the vast majority of the employees that work at the diner come by bicycle. Is that a credible statement today?

Harry Georgiou: I wouldn't say they come by bicycle, but a lot of them do walk. The majority of them do live in town. I wouldn't say bicycle, I would say walking.

Tony Sturniolo: Obviously the concern is parking for the staff.

Ralph Vigliotti: Hopefully with the new dining room proposal, those folks that are waiting, and I've been one of the them, taking up usable parking spaces are now being served and the turn-over will be quicker in dinners as well as parking spaces. It's a Catch 22. You have 10-15 people waiting for tables and there are 10-15 parking spaces that are being used, which creates a back up. Hopefully, the flow will be better and the turnover quicker.

Stanley Bernstein: Is there going to be another entrance?

Russell A. Davidson: No.

Stanley Bernstein: So the people who are parking in these new spaces have to walk all the way around to the front entrance?

Russell A. Davidson: That is the intention. From a restaurant point of view, multiple entrances are not that viable. Of course there are emergency exits in the back, but they will not be made available for private entrances.

Anthony Monteleone: Thank you very much

### **Site Visit Comments:**

#### Timber Ridge:

Stanley Bernstein: I walked through by myself. Although the site visit was cancelled, I took it upon myself to walk in areas that were accessible to me. My first observation is that those terraces/porches that are there now are not in very good shape. My second observation is that the proposed plan increases the size by four times. They are

asking to add, not necessarily living space, quite a few thousand extra square feet onto this property. I do not think it's warranted, and some of the terraces encroach upon village property. I myself do not think it will work well.

Ralph Vigliotti: I drove up independently about a week ago. There are some units that can accommodate a larger deck without impeding upon someone else's privacy, but there are a number of units, particularly when you drive up, that face the internal part of the condominium that would infringe upon the privacy of the individuals. I do not think we can carte blanche say every single unit is granted permission to install that size deck system. I don't think it was intended for properties that close to have that large of a deck system; butting one another where you have large groups of people having a barbeque. That being said, whatever we can do to be supportive individually we can do, but I don't think we can offer something for all of the units.

Stanley Bernstein: I agree

Sol Gibbons: I agree with Mr. Vigliotti and Mr. Bernstein. Some of those decks really need to be replaced and there are some that can be increased in size. Most of them, I think, would infringe on other people's or the village's properties. We can accommodate on some of them, but not on all.

Austin Cassidy: To recap for the board, probably at least 70% or somewhere in that vicinity of the decks in question essentially are as you described. The majority of the dwellings are peripheral around the property edge and then it's a little small center court sort of out in the middle of the property. The center court is not an issue from a zoning perspective, at least as to setback. The peripheral, in some cases, some stretches of units are in today's setbacks, let alone the deck. Expanding the deck even further is significant in zoning and are clearly precedent setting to further expand the non-compliance. Not speaking to oppose the residents, there is even, depending on who you talk to, they are not in lock step of whether or not they are in support of this. But they're next move is to file some informal with me, I have no choice but to deny it and then go onto the Zoning Board. Whatever the percentage is of the units in question, they are not in compliance and increasingly not in compliance. From what I am hearing, it sounds like while you are not officially opposing, you clearly have reservations and are waiting for the Zoning Board decision.

Stanley Bernstein: I do believe we were asked to make a recommendation to the Zoning Board.

Austin Cassidy: They have not made application. This purpose was for the applicant to get a read from this; otherwise, pragmatically would make no sense for them to try and pursue very significant variances if our Planning Board were in opposition.

Tony Sturniolo: I found it strange when we heard the first presentation by the architect. Normally when an applicant comes before us looking for this kind of thing, one would think you would fill the room with residents standing behind what the applicant/architect is talking about,

Planning Board  
Regular / Work Session  
December 13, 2011

and that never occurred, plus the fact that there may be some discord between the various residents within the complex. Obviously we need to be careful. I also heard, and just heard, have any of those decks gotten any building permits this year to renovate or reconstruct?

Austin Cassidy: There has been repairing and replace permits out for replace in kind, but no expansion.

Tony Sturniolo: Thank you.

### **Arroway Chevrolet/Cadillac**

Tony Sturniolo: This site visit was scheduled the same day as the Timber Ridge site visit and ultimately cancelled.

*At this point, Mr. Hertz recused himself from all discussion regarding Arroway Cadillac/Chevrolet.*

Stanley Bernstein: I have visited this site on three occasions prior. I wanted to delineate at that time in my head where the wetland buffer was, and of course, I could not help walking through the parking lot. And it may sound facetious, but I did not walk from one end of the parking lot to the other without climbing over cars. There is absolutely no space to walk through the way those cars was parked. I don't know if what is proposed is going to be an improvement. It cannot be worse.

Ralph Vigliotti: I did a site visit prior to our last meeting and saw total congestion within the parking lot. It's not anything that is new. It would be insuring that the fire lanes are marked. They are not marked now. Cars are parking in areas where our own emergency vehicles could not get through. The question is whether cars being parked along the curb are actually parking in a buffer area. We have two areas that are referred to as "display" areas. Currently the cars are parked so you can't get through the display area. They are parked one car after another. I'm not sure how you get in to move the cars, but they are that close. I'm not sure if the display area is being used as it was intended to be used, and how do we enforce that? Do we say "X" number of cars could be displayed in a display area as opposed to that being a holding area for those cars that they can't find parking spaces for? It's not a display area. We need to call it what it is.

Sol Gibbons: I've been through there a few times. The parking is pretty stacked there, and it's difficult to get around the aisles as some of them are completely blocked. I don't know how they move those cars around there. Are customers parking there or are the cars new cars ready to be worked on? It is difficult to get around and something should be done about the parking before we entertain any discussion on the drawings. They have to come up with some idea of how they are going to improve the parking in that lot.

Tony Sturniolo: I will make sure these comments are incorporated regarding the site visit.

**Continuing Review:**

**Arroway Chevrolet/Cadillac  
175 North Bedford Road  
PB2011-5 (69.66-2-3)**

**Present:**

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

Tony Sturniolo: Last time you were here we were talking about parking issues, storage of the cars and additional landscaping. We see that here. Let's start with the landscaping.

Scott Blakely: Based on discussions with the Planning Board, our office scheduled a site visit with Stuart Sprague, one of the permitting engineers for the Department of Transportation (DOT) out of the Katonah office. I met Stuart on site and we walked the frontage along 117, discussed the existing conditions and discussed the fact that there is quite a wide right-of-way from the existing curb line on the west side of 117 to the property line. It is approximately 30 feet along that area. There are a number of deciduous trees that are planted in this area, and there is also an existing concrete sidewalk that exists within the right-of-way, all on state property. The reason for our meeting was to discuss the possibility of doing some additional plantings along the 117 frontage, which could include our property and the DOT property. We looked at site distance at this egress, as this is a one-way access and is signed one-way. Site distance is not an issue here because of the wide right-of-way. We discussed the ability to plant within that grassed area, and it was determined that the DOT would not have any issues with us planting within a portion of the right-of-way if we kept the plant in excess of 15-feet away from that curb line. Also, the height of the plant material was to be kept relatively low and try to basically mimic what we were proposing within this grassed area on the property. It is difficult to read it on this plan, so we've provided a couple of enlargements. This is the 117 frontage and this is the Preston Way frontage. On 117 we looked at creating some planting pockets under the existing deciduous trees here and here, a couple of little pockets on each side of the entry way and then some planting to the south portion. We've also incorporated a planting pocket in front of this building that bisects the property line; so, half of it would be on DOT property and half of it would be on the applicant's property. This allows us to maintain some storage areas on either side of that. Basically, the curb line came back 15 feet and we have created four large planting areas mimicking the proposed planting that we had along this frontage.

Tony Sturniolo: Did DOT put their comments in writing to you?

Scott Blakely: They have not.

Tony Sturniolo: Are you expecting them to?

Scott Blakely: No. Our next step is to submit a Non-Utility Work Application to them.

Tony Sturniolo: Does this new planting scheme include additional planting of deciduous trees?

Scott Blakely: It does not along this quarter. Stuarts comment initially was that they would like to take the trees out of there because the DOT hates trees within their right-of-way. I hope he was kidding, but I told him we would be maintaining those existing trees and under planting those.

Tony Sturniolo: The under plantings consist of what and what height?

Scott Blakely: We are proposing to mimic what was proposed here. Grasses, low evergreen shrubs and perennials, similar to that design theme that has been developed along the 117 corridor. There are day lilies, different varieties of grasses, etc. Once we get into the Preston Way right-of-way, we have a very narrow area in which to plant. The concern there is the snow throws during the winter months on top of that plant material. The town vehicles and anything that is planted along here is really going to have to be salt tolerant and also relatively low. If we use perennials, they die back in the winter so the snow won't harm those. Our concern along here is the fact that the plant material that we utilize has to be protected. Otherwise it will just be damaged.

Tony Sturniolo: What do you have in mind?

Scott Blakely: We are proposing juniper, which is salt tolerant and won't grow over two-feet tall. Again, some grasses and some perennials. We are not looking to necessarily screen the vehicles but just help and try to reduce and draw your eye to the plant material and kind of help with that visual aspect of the front ends of those cars. We have held a five-foot space off the curb to the planting and then we've held a three-foot space on site from the curb to the planting. We roughly have a five to six foot wide planting bed. We have created one under the trees and one here and then there are two on the north end. We are proposing to plant some deciduous trees in here to replace ones that are currently dead.

Tony Sturniolo: Please repeat what you said going back to 117 and the 15-foot line the DOT wanted you to maintain.

Scott Blakely: The 15-foot line was from this existing concrete curb edge to the edge of this planting. Right now, there is about a 30-foot space between the property line and the curb edge. We decided a 15-foot setback would be acceptable to the DOT. Again, this has to go to the Landscape Division in Poughkeepsie to review. He felt very confident that they would not have issues with this. The fact that he looked at the planting on the site, which is fairly maintained by the current owner. He feels confident that the owner will continue to maintain that. There will be some agreements in the permit that will require him to maintain those plantings.

Tony Sturniolo: Are you planting here on village property?

Scott Blakely: The balls of the plant material are proposed on the subject property, not on village property. As the plants grow and spread, they may creep onto the right-of-way of Preston Way.

Charles Martabano: We have to appear before the village board regarding the urban renewal regulations, in any event. We would probably include that. I don't think they want to go through a full easement, but just so everyone is covered with that. They will probably want maintenance as well, and we will take that up with the village board. Right now I don't think we are really going to encroach on it with the plant material. It may happen with growth.

Austin Cassidy: What is your vegetation cap height?

Scott Blakely: About two feet.

Austin Cassidy: You have to watch that site line and intersection.

Ralph Vigliotti: Is there currently a sprinkler system for any of these flower beds?

Scott Blakely: We are currently not proposing one, but we will discuss it with the owner.

Ralph Vigliotti: It's not self-maintenance when it comes to watering, that's for certain. It may warrant some discussion and I think it's the only way you are going to be able to maintain during the hot months of the summer.

Scott Blakely: Since we last appeared before your board, we have visited the site with Heather Gearloff from the Department of Environmental Conservation (DEC). She has validated the wetland lane line. We've submitted a map to Ms. Bourne's office and one to Ms. Placona for the file. Steve Marino from Tim Miller & Associates was at that site walk. We discussed the proposal with Heather. She has no issues with what we are proposing; the modifications within the buffer. She raised some issues with regard to some of the existing debris along that rear curb line. There is some gravel and some other debris that is stockpiled in this area, probably from a previous project. It's been there for quite a few years. She asked us to have that removed in that area and to get in along this back area and clean up some of the vines and some of the vegetation in here, if possible. That will probably be in her comments and we will address that with our initial submission.

Stanley Bernstein: What is the limit of the buffer?

Scott Blakely: The wetland line is here and the 100-foot buffer actually runs through the rear of this building and through some of this parking area over here.

Stanley Bernstein: So you have everything within the buffer, including parked cars. I don't like the idea of snow storage in a wetland buffer.

Charles Martabano: This is all pre-existing.



Scott Blakely: As far as mitigation associated with that, we provided some additional planting along the rear and plan to remove a portion of this asphalt in this one corner and re-create a native planting in this area.

Stanley Bernstein: What will stop the oil from going into the wetland? What will stop the salt and snow from going into the wetland? Perhaps DEC was not too concerned. They are the State, we are the Village and we are concerned. The cars are there, there is nothing we can do about it. DEC seems to think its okay to live with that.

Scott Blakely: Based on our site walk, yes.

Stanley Bernstein: Did they see that there was snow storage?

Scott Blakely: We went through the entire plant with them.

Tony Sturniolo: Are those wetlands K-48?

Nanette Bourne: Yes.

Tony Sturniolo: Are there any unusual restrictions or cautionary notes for that particular type of wetland?

Nanette Bourne: Not particularly. We will be getting comments from DEC.

Scott Blakely: We have not officially submitted an application. Mr. Marino is pulling that application package together.

Nanette Bourne: We will be requiring a buffer disturbance permit. Is there any benefit in this area to use a bio filter to collect some of the run-off from the cars in the rear parking area behind the building?

Scott Blakely: We are adding two storm water treatment units on the site that are required based on the fact that we are in the New York City Department of Environmental Protection (DEP) designated Main Street area, we trigger the preparation of a storm water pollution prevention plan. If we were not in that Main Street area, we would not reach that area. Because of that we do, so we are adding two treatment units prior to the storm water discharge.

Nanette Bourne: Run-off is being collected into those two treatment areas, and run-off from this area is going to be entirely collected?

Scott Blakely: There is a portion of the run-off that is going to an existing catch basin which discharges to the wetland area.

Nanette Bourne: Is there a treatment in the existing catch basin?

Scott Blakely: There is now. There is a sump in the bottom of the basin that will collect sediments, etc.

Nanette Bourne: What percentage of the run-off is going untreated into that catch basin?

Scott Blakely: I would say 20-25 percent. I will have my site civil engineer take a look at the possibility of doing some type of treatment on that last catch basin.

Stanley Bernstein: The entire property slopes to the wetland.

Scott Blakely: The entire property eventually drains to the wetland.

Stanley Bernstein: I think the grade is down from Preston Way towards the apartment buildings.

Scott Blakely: The storm water from this area of the site drains to the road drainage and Preston Way. This portion of the site drains to the road drainage in North Bedford Road, which makes its way into this and works its way to the storm water system into this wetland.

Nanette Bourne: I think Mr. Bernstein is trying to intercept as much of the run-off as possible with perhaps some treatment. It looks like you're picking up most of this in the buffer, which is the most important place. If you could somehow collect the rest of it.

Scott Blakely: There are three discharge points. Two of them were treating right now, and the third one is this point down here. We will see what we can add to that existing catch basin system in order to treat it before it's discharged.

Stanley Bernstein: That will also help your storm water pollution prevention plan in addition to the state's thoughts.

Scott Blakely: There is a reduction in impervious surface to that drainage area, so that helps somewhat. We will research putting some type of catch basin insert and work something through and treat the quality of that run-off also.

Tony Sturniolo: Our next issue is parking.

Scott Blakely: Based on comments you made at the last meeting we looked at our parking requirements for the site. There was one portion of the side that we had not considered, and that was the enclosed second story on top of the structure. We pulled together some revised parking numbers, had a meeting with Mr. Cassidy and then pulled together a schematic plan and revised parking counts, which we discussed with Mr. Cassidy.

Austin Cassidy: We took the curb length and applied them accordingly to the various aspects of its use. This is still a work in progress, but as recently as three or four hours ago there was an email to me with the draft calculations. That was the result of our last meeting.

Charles Martabano: A number of the comments that you made, made us rethink if that area is being underutilized. Can we use the area when it's covered to provide both parking and interior storage of these vehicles and perhaps free up other areas on the site.

Scott Blakely: We have a breakdown of the various square footage components of this site. The parking requirements that we've

indicated are the office space, indoor display area, outdoor display, service bays and the enclosed second story. We worked through the requirement of the village and broken out the square footage for each of those, and then provided the number of required spaces for each. Office space is about 1,100 square feet, four spaces required; indoor display storage, which is interior to the building is a requirement of 42 spaces; outdoor display, which is the outdoor display areas and storage; this vehicle display area which is on the east side of the existing Chevrolet dealership; 18 service bays, so there are three spaces required for each. Based on discussions with Mr. Cassidy, you subtract one space for each bay that you have, because you'll have a car parked in there at any one time. There are 36 spaces required for the service bays. Then we have the second story, which we've included on the second page, which is a breakdown of how we envisioned indoor display and storage of vehicles up there, and 14 parking spaces for employees. That indoor display area totals 14,680 square feet. Based on discussions with the owner and how he would store vehicles up there, we are looking at about 80 cars in this portion of the building. The access ramp is here, and the access into the building is here. From that point to the end of the building, we marked out 14 parking spaces based on code requirement for the size of spaces. We are looking at about 94 cars for in the future. Right now that area is used for employee parking, and its haphazard employee parking. The parking spaces are not striped.

Charles Martabano: It also serves as the roof of the building, so it really hasn't been used in the manner that we are going to be able to use it. If there was snow up there you could not park. This will increase the efficiency and enable us to actually use it this way.

Scott Blakely: It will also help alleviate some of the congestion on site. I've been to the site numerous times. I don't usually have a problem driving through the site, but I would agree with you that it is congested.

Charles Martabano: This will give us much more efficiency in storing the vehicles and parking the vehicles. It is completely underutilized now, partly because it's exposed. I think this will help us out a great deal.

Tony Sturniolo: I would like to talk about the two elephants in the room here, the parking storage area. Is your intent to put solar panels on the roof?

Vincent Franze: Yes. Absolutely. I believe that was stated conclusively at the last meeting.

Stanley Bernstein: It wasn't conclusive it was a "maybe."

Charles Martabano: We are definitely going to install solar panels on the roof.

Tony Sturniolo: When will you have drawings and specifications of the solar panels?

Vincent Franze: That is always a little bit of a Catch 22. The owners are interested in moving forward as fast as they can but want to be cautious about over-committing to technical documents, drawings, specifications and the like, until they have a comfort level about the approvability of this project overall. As the architect, he has not green-lighted us to go full bore into developing those specifications because he wants to see how this part of the process plays out. I suppose we will have those when the owner has a level of comfort that this project is going to go forward. When he feels that the village is embracing this, and the state doesn't have any problems with it and all of the due diligence is going to yield a favorable result, presumably he will then say to me, "Go for it."

Charles Martabano: To bring this full circle, we have met with the providers. We are moving forward with an actual project.

Vincent Franze: Prior to the last Planning Board meeting that we had, we sat with the owners at Arroway primarily for the purpose of coming to the final decision about this, and we walked out of that room with an unequivocal "yes."

Tony Sturniolo: Maybe sometime you may want to bring the owner here to a Planning Board meeting.

Vincent Franze: I am sure he's always welcome.

Charles Martabano: I will extend the invitation to him and tell him you'd love to see him.

Stanley Bernstein: I assume you prepared the Environmental Assessment Form (EAF)?

Scott Blakely: Yes.

Stanley Bernstein: We are going to have to make a determination of significance soon, and I rely on the document. I read it thoroughly and I question Item #19, "Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617? It is checked "no." It is next to a wetland, it should be "yes."

Scott Blakely: A wetland itself is not necessarily a critical environmental area.

Nanette Bourne: Critical environmental areas are a special designation.

Stanley Bernstein: Yes. Item #16, "Will the project generate disposal of solid waste?" Yes. And then "Will the project involve the disposal of solid waste?" No. How is that possible?

Scott Blakely: Disposal of solid waste is what happens at a landfill will generate it and then a carting company picks it up; then the carting company disposes of it. That is how the regulation reads.

Stanley Bernstein: It seems the carting company is doing it under your egis. They are not doing it on their own.

Scott Blakely: The property itself is not going to be involved in the disposal of it.

Charles Martabano: That is why solid waste facilities have to have specialized DEC permits.

Stanley Bernstein: Other than that it is a quite comprehensive EAF.

Scott Blakely: One of the other issues that Mr. Vigliotti brought up at your last meeting started off with delineation of circulation and then got into the discussion of the fire lanes. There are a number of ways to do that with signage and striping. We are trying to develop a plan that is attractive, not simply painting yellow markings on the curbs and pavement or creating a series of signs. We are trying to develop some type of signage and striping plan that is not intrusive or visually objectionable to the owner and to the surrounding properties. We are in the process of doing that. We have reviewed the previously approved plan that did not have striping indicated but it did have the fire lanes. We will work with that plan and develop a signage/striping plan that will hopefully be acceptable to your board.

Ralph Vigliotti: It is something that needs to be done for this site. Part of the problem on this site is the parking that you have is not where it should be. You have plenty of parking, but it's not near the entrances to get into the indoor display areas. You have to walk over cars, around cars. There is no parking in front of the building. If you look at your vehicle display areas, that could be potential parking areas and it could be made buyer friendly. Right now, if you don't double park or park in fire lanes, you have to park illegally on the site. The movement of vehicles, those that are visiting the site, I don't believe has been addressed. You are adding on an extension, which used to have parking spaces closer to the front entrances. Now, those spaces have been moved elsewhere, you've met the mandated number of spaces, but your site has now become even more unfriendly to the buyer. You have nine spaces in front of the property of which three are for handicapped, which leaves six. I question the vehicle display areas, which is nothing more than stacking 20-30 parked cars. You could create more parking in your display area, which is the only area you could do that to make the site friendlier. It is not friendly right now, and it hasn't been historically. It begs the question that you take a closer look.

Charles Martabano: We will take those comments back to the owner and review it.

Ralph Vigliotti: Also, I think we need a definition of what a vehicle display area is.

Scott Blakely: If you go by your code requirement for parking, it is outdoor sales storage and display. It could be parking, storage or display.

Ralph Vigliotti: It's all storage. If it were display, you would have to pull out two to four cars to get to anyone of those cars in order to

drive them away. The business plan is terrific; you're expanding, you're adding another line of cars, but I don't think you've addressed the buyer, and I think you have the potential to do that.

Scott Blakely: I believe what we have planned for the second floor now gives us the ability to free up some storage space.

Tony Sturniolo: One thing that could help would be if you could find another location in the village that you can legally store some of these trucks and snow plow trucks that are usually in this area.

Anthony Oliveri: You have to be careful because you cannot park in the buffer zone in the front. That is not allowed. You have a 20-foot buffer there, which is part of that display area. It would have to be outside that buffer area.

Austin Cassidy: Your suggestion makes sense. There have been some policy changes and enforcement changes in the village on that topic within the last few years. Unless there is a principal use associated with those trucks someplace else in the village, you are no longer allowed.

Tony Sturniolo: What is happening with the property in Katonah? The former location?

Charles Martabano: A portion of that has been approved and rented out for a record storage processing facility for the Mount Kisco Medical Group. The other part still remains a dealership for Saab.

Tony Sturniolo: So you couldn't move any trucks over there? I don't know what their code is.

Charles Martabano: I will research that.

Tony Sturniolo: The second elephant in the room is the photometric lighting plan. It is not here, so there is nothing to discuss this evening. The Planning Board has been desirous of about 18 applicants' lighting plans conform to the newly proposed lighting plan that the Planning Board has submitted to the village. It has not been voted on and it's not in effect and not a law now. I'd like you to ask the owner if he would like to volunteer along with the other 18 applicants who said they would comply with the new proposed standards. The new proposed standards mainly deal with full cut-off lighting fixtures and not forcing light up into the night sky.

Scott Blakely: They put in some type of high efficiency fluorescent lights, I don't know the term; I am not a lighting person, that are going to be moving ten feet to conform to modified curb locations. They did the interior and the exterior of the building.

Tony Sturniolo: This in no way could accommodate LED lighting.

Charles Martabano: We will have the specifics on what is out there. It's a NYSERDA program, but we did not get a chance to lay the photo metrics over for you. We will do that for the next meeting.

Austin Cassidy: This is an opportune time to segue something here. I am looking at the January calendar. You may want to pick a date now. If this is moving forward to a January public hearing, you're going to need publication time. You have a bunch of homework tonight that you were given from the board.

*At this point, January 24, 2012 was the targeted date for the January meeting.*

Tony Sturniolo: If the workload starts to increase in the next couple of weeks, we may have to add a meeting.

### **Special Discussion**

**Jim Han  
117 Smith Avenue  
PB2010-7**

**Present:**

**Frank J. Veith, Attorney for the Applicant  
Jim Han, Owner**

Tony Sturniolo: We have a letter here from Mr. Han to Mr. Cassidy, which is a summary of what he is proposing.

Austin Cassidy: In following more recent village protocol, I was approached by the property owner with a business predicament that he was in. He requests/pleads to discuss further utilization of 117 Smith Ave. I contacted the chairman, and I asked the property owner to provide us with a communication and a profile of what he wanted to talk about, which he has done. We have the approved site plan of record as well as the resolution here. The chairman did advise that he felt it important, and we both agreed that your board should discuss directly with Mr. Han and his counsel his request.

Frank Veith: I am representing Mr. Han. This matter was previously before you in the summer of 2010. The history of this particular premise was that it had been used illegally and without approval by a previous owner for a number of years. When Mr. Han purchased the property in 2009, it did not have an approved use and we went forward with site plan approval, which the board did ultimately pass on, and approve. Since that time, Mr. Han, whose company runs a tutorial service that is now under the name of Sylvan Learning Centers, the board approved the previous site plan in August 2010. Since that time, Mr. Han has lost the franchise with Sylvan Learning Center. He is now an independent tutorial service. Additionally his current landlord would not renew his existing lease, which expires at the end of December of this year. Mr. Han's business model, since the original application before this board back in 2010 has dramatically changed. Sylvan Learning Centers has cut back its franchises; not just for Mr. Han but for a number of businesses in the area going from 1,600 franchises down to 600 because the business model of the in-office tutorial service is just not keeping with the changing times of computers, video and internet. Now, most of the tutorial services are no longer being done in office but over the Internet. Mr. Han's

Planning Board  
Regular / Work Session  
December 13, 2011

business has fallen off as a result of that as well, to the point of now the maximum he will see on a Monday-Friday basis at any one time will be two students. On a Saturday that number increases to three. Mr. Han has come back before the board asking to consider, given his current situation and the current business climate and the current dying industry that he is in, changing that over to a mode more geared to video conferencing, video tutorial service, where the video equipment – computers, internet services, etc., will be kept at the premises location on the second floor. We had been previously approved for computer equipment to be kept on the second floor. Until he is able to transition completely to that type of service, he would still try to phase out the in-office tutorial service. He needs that at least to get the video conferencing tutorial service up and running.

Tony Sturniolo: That would be on the first floor?

Frank Veith: Yes. There are four offices on the first floor as it currently exists and was approved. You may recall the space was approved for general office/business use. Given the parking situation and what his previous volume was, there may have been some reservation on the part of this board to previously approve any use as an in-house/office tutorial business. Mr. Han is attempting to transition what is clearly the more popular means of tutorial services for students, which is video conferencing and over the Internet.

Tony Sturniolo: We have a copy of the letter that Mr. Han has written and I want to enter for the record highlighted areas that caught my eye in the letter. The new business model has two segments; the in-house traditional tutorial with a certain student ratio of 1-4, and the second business is the Internet tutoring service business model. The second floor currently has been approved for computer storage, fax machines, Xerox machines, etc., and now you're going to add the video equipment and Internet interfaces.

Frank Veith: As I understand it, the inner workings of the computer system and the internet system would be stored on that second floor, but the actual videoing would be done on the first floor, where he would be on his computer, able to communicate with the student in their homes.

Tony Sturniolo: The first floor has about 1,000 square feet of space allowing room for in-house tutoring and the second floor we just discussed. The second floor storage space for technology and phone equipment only; there would be no offices, no personnel up there?

Frank Veith: We are not asking you to change the site plan approval in any way.

Tony Sturniolo: The second floor is just equipped with electronics?

Frank Veith: That is correct.

Tony Sturniolo: Five parking spaces, and it's two spaces short, and Mr. Han is proposing two additional spaces every year and see how that works out over a year on a temporary basis.



Frank Veith: Ideally, he'd like the utilization approved for his business as it currently exists with the current approved site plan for general business use, if the board was uncomfortable approving the utilization as a potential option.

Austin Cassidy: Not to turn away income for the village, that is not an annual fee; it's a one-time shot.

Frank Veith: Candidly, I was not privy with the conversation you had with Mr. Han, but I know, based on that conversation he then offered that in his correspondence with the board.

Tony Sturniolo: Granted the building is not occupied now. How are we currently addressing the parking issue, assuming it was occupied?

Austin Cassidy: The only way to address is would be whatever the proposed occupancy would have to lease five spaces at once.

Frank Veith: Yes, you previously approved that.

Tony Sturniolo: If his business model now changes and there are going to be physically less people within the complex? The four students and two teachers (as stated in Mr. Han's letter) would be addressing the five parking spaces currently, assuming it was operational. Now, for the past eight months you've dropped it down to two or three students and one teacher per hour. You state that you have not increased parking demand, assuming the building was functional based on that.

Frank Veith: Agreed. The maximum number even previously was only on a Saturday. Typically Monday through Friday they'd see two students per hour, with one teacher.

Ralph Vigliotti: Will the video conferencing bring the instructors to the site to do the conferencing out through the Internet?

Frank Veith: As I understand it, there are two ways it can be done. One, the instructor can do it from their home; but he would also like to monitor it at least until it gets off the ground and running. That monitoring would be done in his office on the premises.

Ralph Vigliotti: Is that where you see the increased need for parking?

Frank Veith: No, we do not see an increased need for parking.

Austin Cassidy: Mr. Han, the number seven (in Mr. Han's letter) parking spaces, where is that coming from?

Mr. Han: Based on your general requirements.

Austin Cassidy: At the most intensive time, how many people are in your building at one point at one time?

Frank Veith: That would be a Saturday, and typically you would get three students and one teacher. If Mr. Han was not doing the teaching, he would be on location in the building.

Austin Cassidy: Assuming they are all motor operators, that would be five cars and you have five spaces. Why are you paying \$50,000?

Frank Veith: Because we know how the board is sensitive to this particular parking area.

Stanley Bernstein: I recollect we agonized this over a couple of different meetings. The seven parking spaces were based upon the square footage, and we waived the two extra spaces. Also, we discussed the fact that he was buying the building.

Frank Veith: Mr. Han bought it prior to him being before the board.

Stanley Bernstein: Why is he a tenant according to this letter?

Frank Veith: His written English is somewhat limited. His current lease is up on December 31, and he wants to move into his new premises across the street.

Stanley Bernstein: It seems the parking requirements are less now, and he can probably live with five.

Ralph Vigliotti: So why are you here?

Frank Veith: That was our feeling as well, and until we knew the board's sensitivity we are before you on general business purposes.

Austin Cassidy: Having exercised the protocol, being that your resolution speaks to the first floor being general offices, he wanted to make sure that this board was on board based on his profile description.

Frank Veith: The resolution clearly said computer equipment and business equipment on the second floor.

Doug Hertz: It sounds to me like you are complying. It is a use that we exactly hoped and expected to be in the space.

Stanley Bernstein: We allowed this former business plan, which is more intense than this is, and how could you disallow a less intense business plan? I have no problem with allowing this to go as is.

Ralph Vigliotti: I am fine with allowing the proposed use of the second floor to go as described.

Sol Gibbons: He is within the parameters that we set, and I think its okay.

Tony Sturniolo: I am going to agree with everyone else.

Frank Veith: Thank you very much.

## **Special Discussion**

### **Notice of Site Plan Violation**

#### **134 Main Street**

##### **Present: Frances G. Albanese, Owner, Frannie's Goodie Shop**

Tony Sturniolo: We have all read the site plan violation, and we've all read your letter regarding The Eskimo Club and propane heaters outside; that you are desirous of putting it on your property and not the village's property. The village attorney is not here, but one of the things I am going to ask him to do is to review the license agreement between you and the village as far as what you can and cannot do, although that is not necessarily specifically germane to your letter, because you are referring to your property only. I am going to suggest that we do a formal site visit to look at the property. There is a sketch included where the propane heaters go. I also state for the record that your letter was written on December 5, and that was far in excess of the cut-off time to have any kind of correspondence or paperwork communication brought to the Planning Board for this meeting. Your letter should have been November 23; however, we are going to address your letter today, even though it does not conform to the submission date requirements. I am asking my fellow board members their thoughts.

Doug Hertz: My thoughts are not about her site in specific, it's more in general that we are starting to see requests for possible uses for these heaters around the village. I have two issues; one on an environmental basis I think they are a disaster. In a sense they are just heating outside space and making heat which can't stay anywhere. From an environmental aspect, I think it's a terrible idea. Further, my concern is that we are going to see proliferation of these wherever someone envisions taking interior space and increasing exterior space. We will see it at every outdoor dining spot, we are going to see it at every place where there is not adequate inside waiting room for queuing space for any business. I think that unfortunately this is the first applicant coming forward with this specific thing, but this is going to be a test case for us throughout the village, because this will be the first of many. What we do here, we are going to have to stand by when the next and the next and the next come. I think we should think long and hard about whether this is something that we want for the village as a whole.

Stanley Bernstein: I agree with Mr. Hertz about the environmental issue. It's not a very good use of fuel to heat the outside; not a good thing at all. As far as precedent, I had thoughts about the movie theatre which is right next door. If they want to keep their line waiting to get in, they might want to keep it a little bit warmer and cozier, and we could be looking at a half a dozen of these heaters going along the side of the movie theatre.

Frances G. Albanese: People have been gathering there from the movie theatre.

Stanley Bernstein: We have to consider if we think this is a good thing for the village to have. Environmentally and aesthetically. Thought is required on this.

Ralph Vigliotti: I agree with everything that has been said. I understand the need to have heaters for the business. I understand the need, but it's a precedent that I don't think we want to establish. I believe there would be a proliferation of heaters, I'm not saying everybody, but there could be one or two more, and where do you stop?

Frances G. Albanese: I have seen them throughout the town before.

Ralph Vigliotti: There is an issue whether it's on private property or village-owned property or impeding sidewalk movement. That is something that we will have to take a closer look at. I know of one other site, but I believe they may even have an outdoor dining permit. I don't think you have an outdoor dining permit. I am in agreement with my fellow board members. I want your business to continue to be successful; however, this may not work.

Austin Cassidy: I can speak to several things that had been raised. To my knowledge, the village has been clear in the broader sense in the most specific terms that it does not want devices like that on it's sidewalks and walkways unless for some reason it's replacing a device of some type themselves for some safety purpose. They do not want private sector placing equipment out in public ways, specifically it so happens that this applicant has an arrangement with the village right alongside their premises. The village has made it clear that this cannot be anywhere in that village area adjoining you. The one or two places where they exist in the village have to date been in conjunction with outdoor dining which can run until the end of December. At some point in time it's going to get cold. To date, the only places I am aware of that these have popped up are those locales. However, the unique thing in this nature is that there is no outdoor dining permit, nor can there be because there is no indoor seating. The way our regulation was written, you have to have indoor tables and chairs which then can be outside. If you have none inside, you cannot put any outside. This begs the question, what are these devices in conjunction with; and that is the issue before you. Right now there is equipment being designed to be used on the premises on some regular basis, one would presume at least in the cold weather months.

Sol Gibbons: I would mimic what is already being said here. It's been covered pretty well. I agree with my fellow board members.

Ralph Vigliotti: Would it fall within our code as we might have an external box that services air conditioning for an establishment, that box pushing warm air out and attached to a building. If this is more portable and within our code allows something sitting high to push out hot air is that allowed according to code?

Austin Cassidy: Yes, it's definitely allowed, but typically if it's actually got footprints, so to speak, as opposed to being rooftop equipment, it is reflected on its site plan, even if it is cut out in a wall. HVAC equipment on the ground would show up as mechanical footprint.

Albeit this is portable, it's still equipment and it's not equipment for a day. As a sidebar, use of propane bottled gases should never be stored inside. So then there is also the issue of storage. Be that as it may, we are back to the site plan question. I think someone did use the word "precedent." The "precedent" in this case is associated with what?

A site visit was planned for January 7 to collectively review and observe the premises.

Tony Sturniolo: You got the sense and flavor of the board. After our site visit, you can go ahead and pursue the amendment to your existing site plan.

*The visit was scheduled for January 7 at 9:30 am. The heaters will not be out for the site visit.*

Frances G. Albanese: I would like to let you know that the customers just love the idea. There is no place for them to go, and they want to frequent the premises.

Stanley Bernstein: How long does a bottle of propane last?

Frances G. Albanese: We probably fill three tanks for the week. It's been a mild winter.

Stanley Bernstein: You're heating the outside.

Frances G. Albanese: I know, but it heats a number of feet, and the people gather there. It does a lot for the town. Thank you so much.

Ralph Vigliotti: Regarding Frances Albanese, I would suggest to give them one more week and allow us within the next seven days to go visit while they are working.

Tony Sturniolo: In our case, to reverse themselves, why not ask them to put the heater out that day and once we finish bring the heater back inside. This way we are not intentionally violating the order that Mr. Cassidy wrote saying to stop and not use the propane heaters. It would be just for that one morning for 15 or 20 minutes, and then the heaters go off.

*The Planning Board Calendar for 2012, contact list, Rules and Procedures, and February Planning Board meeting dates will be discussed and re-established during the first meeting in January. Speculatively, the board is anticipating the probability of a public hearing on January 24 for Northern Westchester Hospital Center. Depending on that outcome, that will make for another January or February meeting. If it is not and the written record is open for 10 days, then the board will be taking final action in February and they are off the table. Discussion followed regarding dates, times and submissions.*

**Acceptance of Minutes:**

**November 15, 2011**

Changes: Page 14, line 23: Insert "not" after the word "have."  
Sentence should read: We have not done any at this location.

**Motion: Stanley Bernstein**

**Second: All Aye**

As there was no further business to be discussed by the Planning Board, on a motion by Mr. Vigliotti, seconded by Mr. Bernstein, the meeting was adjourned at 11:00 PM.

Respectfully submitted,

Stanley Bernstein,  
Recording Secretary

dm