

Minutes  
Meeting of the Planning Board  
Regular / Work Session  
Village/Town of Mount Kisco  
Tuesday, November 13, 2012

*Vice Chairman Sturniolo called the meeting to order at 7:55 P.M. at the Municipal Building Mount Kisco, New York.*

**Members Present:**     **Vice Chairman Sturniolo**  
                                  **Stanley Bernstein**  
                                  **Enrico Mareschi**  
                                  **Karen B. Schleimer**  
                                  **Ralph Vigliotti**  
                                  **Sol Gibbons**  
                                  **Doug Hertz**

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

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

**Staff Absent:**         **Austin Cassidy**

**MINUTES:**

**October 23, 2012**

Motion:     Stanley Bernstein  
Second:    Enrico Mareschi  
Aye:        Sol Gibbons  
Aye:        Ralph Vigliotti  
Aye:        Vice Chairman Sturniolo  
Aye:        Enrico Mareschi  
Aye:        Stanley Bernstein  
Abstain:    Karen Schleimer

Vice Chairman Sturniolo: Going beyond the minutes, I would like to draw everyone's attention to starting with Page 24 in the minutes. It has a whole outline of scheduled events, memos, etc., that we had expected. We should just quickly review it from Page 24 through the conclusion at 31.

**Formal Application**

**Maya Restaurant**  
**37 East Main Street**  
**PB2012-16 – 69.81-2-4**

**Present: Theodore Laurence Strauss – Architect for the Project**

Theodore Strauss: Good evening. I am representing Maya Restaurant.

Ralph Vigliotti: We were assuming the owner might be here this evening to assist with this application. That is not the case this evening?

Theodore Strauss: Unfortunately, he is ill tonight and could not make it. Basically this is on East Main Street. The Maya Restaurant has been there for quite awhile. Two years ago we re-did the storefront on that. The adjoining store of 1,050 square feet formally was Kim's Bagels. She has desisted in business and Maya Restaurant would like to take over their premises and add to this restaurant facility. I was instructed that we needed to come to your Board for site plan approval for that.

Ralph Vigliotti: Please explain the proposed use in great detail.

Theodore Strauss: At the top of the plan it shows a new floor plan. There is a pair of doors, which would be cut through the existing wall as the entrance into this adjoining facility.

Vice Chairman Sturniolo: Is the adjoining facility a restaurant?

Theodore Strauss: The adjoining facility will be part of the restaurant, yes.

Ralph Vigliotti: Will there be two doors?

Theodore Strauss: Yes.

Ralph Vigliotti: Similar to French doors?

Theodore Strauss: Yes.

Ralph Vigliotti: Why would there be two doors if it is part of the restaurant?

Theodore Strauss: Only if one section has a catered party. There will be the ability to close it off and segregate that.

Ralph Vigliotti: What section would you use for catering?

Theodore Strauss: Probably this new section.

Ralph Vigliotti: Why do I have that funny feeling as soon as you use that word "catering," and I see pool tables, I'm thinking of adult parties, perhaps for those gentlemen that are may be getting married and they are going to have stag-type parties? Why would you have doors there? I don't understand the concept.

Theodore Strauss: The concept very simply is that these would normally be opened. It's the desire of the owner to just have the doors there.

Ralph Vigliotti: These would be walls coming across?

Theodore Strauss: They are existing walls.

Sol Gibbons: This is the common wall?

Theodore Strauss: Yes.

Ralph Vigliotti: So, this can be used as a catering hall.

Theodore Strauss: Let's say it could be a party room. The storefront remains exactly the same.

Ralph Vigliotti: As you are going through this, I have a very large concern about the pool tables in this party room. I am going to call it a party room rather than a restaurant, because it is laid out as a party room. It has a beautiful bar that holds almost twelve stools. It's got three pool tables. It's got a separate entrance. It has French doors, which lead to the real restaurant. This is nothing more than a party room. With three pool tables and a bar and a separate entrance and French doors to close it off to the rest of the patrons, it's a party room and I do not think it's appropriate – as one member of the Board.

Vice Chairman Sturniolo: How much is it going to cost to play on the pool tables?

Theodore Strauss: I have no idea. I never asked my client how much it would be.

Vice Chairman Sturniolo: I for one agree with Mr. Vigliotti 100 percent. I think the party room with three pool tables is something that is not beneficial to the village. It's the making of a bad hangout. If the pool tables were not there, I would assume the French doors would not be needed, but the French doors are not the offending item in that room. It's the pool tables. It's your client's decision what he wants to do, but I would not like to see the pool tables there.

Enrico Mareschi: What is the seating for the addition?

Theodore Strauss: I believe its 24 seats.

Enrico Mareschi: If they do have a party catered, there will probably be more than 24 seats. I see it as these doors being closed off, and they have a separate party.

Ralph Vigliotti: It's the pool tables that throw it all off, because it changes the type of party. Who would have a shower there with three pool tables in the middle?

Theodore Strauss: Pool tables could be covered and be serving areas.

Enrico Mareschi: What are the hours of the business?

Theodore Strauss: They serve lunch and dinner. I think they are open until 10 or 11 in the evening.

Doug Hertz: Whitney, under it's current use as a bagel store; this is a change of use to what?

Whitney Singleton: It is going from food retail to a restaurant.

Doug Hertz: Is it being viewed as a restaurant or is this being viewed as a bar?

Whitney Singleton: It's being viewed as a restaurant because it's an expansion of Maya.

Doug Hertz: it doesn't appear as an expansion of a restaurant; it appears that it will operate as a separate business.

Theodore Strauss: They are using the same kitchen.

Doug Hertz: If you were a bar, you wouldn't need a kitchen. Quite honestly, it looks to me what you are proposing is a bar that has access to some food next door. That is what the plan looks like to me. It does not look like it's an auxiliary use of an expansion of a restaurant. It looks like a bar sitting next to a restaurant that references it. I don't understand how we look at this, essentially. It has its own access to the street; it has its own access to the rear.

Theodore Strauss: This is all existing. We are not changing it.

Doug Hertz: I understand that. It has doors that can be closed off from the restaurant. If you wanted it to function as an independent entity, it would essentially do that, and it would function as a bar. It's not a restaurant. I don't quite understand how we should be looking at this. I think there are issues on how we should be looking at this.

Whitney Singleton: Let's just back up one step to provide some perspective. The changes to section 110-38 for Change of Use Permits; the reason that was implemented was because previously the only requirement for triggering review by your Board was whether there was an increase in the parking requirement. As you know there is no parking requirement in the downtown area for the first floor. So, you can transition from a card shop to a restaurant. That was deemed to be problematic, because you had stores slicing and dicing up into very small spaces. You have deliveries coming through the front door instead of the rear door. Along South Moger Avenue you had the front of the buildings sectioning themselves off from the back and then not being able to get deliveries from Shoppers Park. There was a one comprehensive arrangement put in place. This application that is put before you would not have been before you in the past. It was not before you when it went to Kim's Bagel or when the deli in this building went from two spaces to one space, but it has had impacts. Their trash is stored in the former front door for the deli. There are different issues that have arisen. I don't know whether this site has a site plan of record. That is one of the requirements that we must have. With Austin being out, there is no memo in that regard. I don't know what the requirements are of the Health Department. Ted probably does know. I don't know that I agree with you that it could operate as an independent with seating for more than 20 people and only having one bathroom.

Theodore Strauss: You are correct. It could not and would not, and it has been submitted to the Health Department.

Whitney Singleton: I can assure you that you cannot have a billiard parlor here. It is prohibited under the code.

Theodore Strauss: It is not intended to be a billiard parlor.

Whitney Singleton: Two or more pool tables – it is. You can only have one to make it not be a billiard parlor. Right there it does not qualify, but I don't have a memo from Austin identifying code compliance. Kim's Bagel has a different façade than Maya. These are the things that would normally be provided for you by the building inspector. Converting to the restaurant use is permitted. I don't know what they are planning to do, nor do I know what they are capable of doing as far as deliveries and trash and items of that nature, which is really the reason that the change of use regulation were enacted, so that your Board can analyze that and improve that where possible.

Vice Chairman Sturniolo: Would we be better served if we asked the acting building inspector to review this, as opposed to saying we don't know because the building inspector is away?

Whitney Singleton: Clearly for code compliance, it needs to be reviewed. From the perspective of planning, I don't know what the capacity is from the applicant to provide for deliveries and trash and the façade changes, etc., but those should be things that fall within your Board's purview. As far as it being a permitted use, a restaurant is a permitted use here.

Doug Hertz: But not a billiard parlor.

Whitney Singleton: Not a billiard parlor.

Whitney Singleton: A billiard parlor cannot sell alcohol, and they have restrictions on their hours of operation, none of which would be met by this.

Doug Hertz: We are going to need a memo regarding code compliance to lay out those issues. I would like to get staff to review this for code compliance, and then get that information back to the applicant.

Vice Chairman Sturniolo: I will take care of that tomorrow morning with the village manager.

Theodore Strauss: If I may interject at this point, I will request the Board hold (*this application*) until I have a further discussion with the owner and the tenant. We will fully comply with the aspects of the extension of the restaurant. It is not the intent to create a billiard parlor.

Stanley Bernstein: Intention and actuality are two different things.

Whitney Singleton: What is to the left of Maya as you're facing it? Is there another space in there?

Theodore Strauss: It is being renovated, but I am not sure what it is. It was formerly a cigar store.

Stanley Bernstein: What is the entrance in the back?

Theodore Strauss: That is for service.

Stanley Bernstein: Where does it go? I don't visualize anything back there. Can trucks get back there?

Theodore Strauss: There is a passageway in the back; the trucks would deliver from the side street to the rear entrance.

Ralph Vigliotti: Unfortunately that is available for deliveries, but the deliveries are made right on Main Street. That is a big concern I have.

Theodore Strauss: Understandably. If you as a Board make that as a stipulation, at least my client will honor it.

Sol Gibbons: If this was an extension of the restaurant, obviously there would be no problems, but is it absolutely necessary to have these pool tables in there?

Theodore Strauss: No. It was his desire as part of trying to increase customer usage.

Sol Gibbons: If he would cut down a couple of these it might help.

Theodore Strauss: Based on discussion this evening, the max would be one table.

Sol Gibbons: I would discuss that with him if I were you.

Theodore Strauss: I certainly will.

Stanley Bernstein: Even if there was only one, it's still troubling because it's not really part of the restaurant. It's completely separated and there is nothing to stop the owner from closing off the existing side of Maya and just open this bar room after certain hours. If the word parties is interjected, there is no reason why this could not become a cabaret. We have specific rules on cabarets. Generally speaking, I think it's a very bad use. I am not at all in favor of the configuration that is here. If those doors were not there and this was opened up as an addition to the restaurant as it's purported to be, then I would go for it. Not under these circumstances. Even though the owner could swear up and down that the restaurant will never be closed when this is open, things have a way of happening in this town, and enforcement is very scant. I hesitate to put my stamp of approval on this.

Theodore Strauss: I will have further discussion with the owner on this.

Karen Schleimer: I echo the thoughts. The billiard tables are a significant concern, and it does not feel like an expansion. The way it's organized, it feels like a separate entity. That is a problem.

Vice Chairman Sturniolo: Nanette and Ted, could we look at Page 11 on the EAF, specifically Number 19? (*Will proposed action affect the character of the existing community?*) It is checked off as "no." I personally believe this will have an affect on the character of the existing community. The third bullet point below that (*"Proposed action will conflict with officially adopted plans or goals"*) I believe it will conflict with adoptive plans such as the long-range plan for Mount Kisco and its goals. Going down two more bullet points, "Development will create a demand for additional community services." It has the potential to have a greater police presence there. The next bullet point, "Proposed action will set an important precedent for future

projects.” It can happen down the street. Also, Number 20, “Is there, or is there likely to be public controversy related to potential adverse environmental impacts?” That answer was left blank. Ted, I realize you gather the sense of the Board. My suggestion would be to go back to your client and tell him to remove the pool tables, and let’s move forward with the project.

Theodore Strauss: I shall do.

Whitney Singleton: For staff purposes, they would be put on the next agenda. You would like a memo reviewing this. As far as marching orders for the applicant, you would like to see the removal of the pool tables, rear deliveries, and trash storage. Any façade changes to the front?

Theodore Strauss: Not intended. Obviously remove the Kim’s Bagel sign.

Whitney Singleton: So it’s going to be one restaurant with two different facades?

Theodore Strauss: The only change to the façade will be the continuation of the awning to give continuity to the building, which was part of the original plan when I re-did the Maya storefront.

Whitney Singleton: So you will not continue the Maya motif across?

Theodore Strauss: In terms of the storefront, he does not want to do that at this time.

Vice Chairman Sturniolo: Alan Resnick of Roslyn, New York is the owner of the building. He is not the owner of the restaurant?

Theodore Strauss: No, he is not. All of the spaces are tenanted spaces in the building. I request of the Board that you hold off on a technical review or interpretation from the staff until I have a chance to talk to the owner and see where we go from here. I understand the Board’s concern and the position vis-à-vis the tables and we will certainly take that into consideration. I will tell the Board that it is, and has been, the intent to expand this as part of the restaurant and not a separate entity unto itself.

Vice Chairman Sturniolo: Minus the pool tables. I will still go ahead and request of the village manager that a review take place regarding code compliance in general.

Ralph Vigliotti: Is the décor going to change at all regarding the restaurant addition? Are tables just being moved in? Are you putting in a new floor? New walls? New decorations?

Theodore Strauss: There are no walls in there now, other than what are showing. It’s just one open space. It’s not very large. Obviously the interior will be painted and dressed up. That is certainly to be done and will be more in compliance with the character of the restaurant itself.

Whitney Singleton: If you need to contact the Planning Board, you may do so through me in Austin’s absence.

Theodore Strauss: Thank you very much.

**Continuing Review:**

**Mount Kisco Diner  
252 Main Street  
PB2012-10-80.33-6-9 & 10**

**Present:**

**Russell A. Davidson, AIA, President  
Kaeyer, Garment & Davidson Architects, PC**

**Anthony J. Monteleone, Attorney-at-Law, on behalf of the  
Applicant**

Anthony Monteleone: I have received the proposed resolution. Both Russ and I reviewed it. We are here to answer any questions and hopefully finalize this matter.

Russell Davidson: We went to the Architectural Review Board and had a good meeting and a favorable review. They issued an approval letter with a couple of conditions. In case colors revise, they want to see us back, but they were very pleased with the project. We also had a round of correspondence with the Department of Environmental Protection (DEP) that was a little bit different than we expected, which caused us to re-submit a full storm water pollution prevention plan. It is really only about a small part, and it's a technicality. They have that in their hands. We had a successful meeting with them, and we don't expect any problems. I believe you were copied on the re-submission. It was originally thought that they did not have jurisdiction because we were increasing impervious service, but because we did change one surface from impervious to pervious, technically they wanted a full plan. We very quickly prepared a full plan and met with them, and we don't expect it's an issue. It can certainly be a condition of the building permit. They seem cooperative, but it did catch us a little by surprise.

Vice Chairman Sturniolo: Are you referring to the October 5 letter from DEP to your colleague Mr. Black, which talks about the new development, square footage, and impact?

Russell Davidson: Yes. They got a floor plan four days ago, and we expect it will be resolved in a couple of weeks. This is not about the overall development, it's about crossing T's and dotting I's, and making sure DEP is satisfied.

Anthony Monteleone: That letter certainly seems to support the project. There were a couple of areas where it was slightly contradictory, but we are certainly going to comply with everything they want.

Vice Chairman Sturniolo: Understood. Nanette, please talk about the landscaping.

Nanette Bourne: Did your zoning information and lot area change from an earlier plan?



Russell Davidson: I am not aware of that, but there have been a couple of updates. I don't know what you mean by earlier plan.

Nanette Bourne: Your June 20 lot area is different. Your zoning information, lot area is different.

Russell Davidson: I will have to research it. It could have just been a typo. To what plan now says something different?

Nanette Bourne: The October 19 plan.

Russell Davidson: I will have to research it and clarify it.

Nanette Bourne: It changes your figures; it doesn't change the requirements.

Russell Davidson: I will research it right away and get you a letter.

Nanette Bourne: Thank you. On the landscaping plan that you have provided on C-1-3, I don't really see the landscaping plan. It's not a conventional landscaping plan in that it does not call out materials or sizes. You added to my plan a restore garden, which is on my plan but not on other plans.

Russell Davidson: I don't know if that is possible. They have a very elaborate garden, which we plan on retaining. We have to move it back, but we really didn't see the need to identify by species and size everything that is there. He has dozens and dozens of plants in there.

Nanette Bourne: It's a lovely garden. You can kind of clump them together, but the landscaping plan does need to have that detail. You can generalize the plants that are there, but your landscaping plan needs to be more conventional.

Russell Davidson: How about if we submit a photo there and say it's going to look like this when it's done?

Nanette Bourne: It would be very difficult to make that part of the record. I'm sure your landscape architect could do it.

Russell Davidson: We don't really have a landscape architect, nor does the owner want to pay for one.

Anthony Monteleone: They really planted that somewhat on their own and it's come out beautiful.

Anthony Oliveri: It's not just that area. There are other landscape areas with no plans.

Russell Davidson: What would you like us to do?

Anthony Monteleone: A landscape plan for the new landscaped areas and a reiteration of what is in the current landscape area.

Nanette Bourne: There needs to be a landscape plan for the project. In the corner, where you have your snow stockpile area, you have some symbols, and I don't know if those are plants or snow stockpile areas. Also, the width of your ----- changed from 24 feet to 23 feet.

Russell Davidson: From what plan to what plan?

Nanette Bourne: From the June 2.

Russell Davidson: I'll check it. It never changed in size or design, so I think it's a dimensional thing.

Nanette Bourne: From my perspective, the landscaping plan is the most significant item.

Anthony Monteleone: We will provide you with that.

Nanette Bourne: Have you been in touch with Department of Transportation (DOT)?

Russell Davidson: Yes.

Anthony Monteleone: Are we changing the curb cut?

Russell Davidson: We are.

Anthony Oliveri: I know it was submitted.

Russell Davidson: It has. They are not exactly quick. That was a condition of Anthony's first letter, and we filed right after that.

Anthony Oliveri: I know you provided evidence that you submitted to them, but there hasn't been a status on that.

Anthony Monteleone: We will certainly accept that as a condition.

Nanette Bourne: There needs to be some feedback from them.

Anthony Monteleone: We will call them. We may not get anything in writing back from them.

Nanette Bourne: That's fine.

Russell Davidson: I cannot see any possible objection. We are going from continuous curb cuts in two; to one more structured curb cut on that side of the property.

Doug Hertz: We were talking about the possibility of having the bus stop removed. Did that get pursued?

Anthony Monteleone: We did pursue it, and we got a negative response from the County as to changing the bus stop.

Russell Davidson: They wanted to know who was going to pay for it, where it was going to go; and I don't think you felt it was the best thing to move it, so moving the bus stop was abandoned at the recommendation of the Planning Board. The owner really didn't want to pay for it. He would prefer to have the bus stop moved, but that effort has now been suspended. I believe there is going to be one extra on street parking, because where Paul's Power is now there is no on-street parking, because it's a continuous curb cut. We are going to get at least one new parallel spot in front of the rain garden.

Doug Hertz: What is the coordination for striping that and determining how that works?

Russell Davidson: I can ask DOT, I'm not really sure.

Doug Hertz: Is it  $\frac{3}{4}$  of a spot? What do you need to do to create a spot? Have we looked at it to know that it is or it isn't?

Anthony Monteleone: Certainly there seems to be enough room there to create another spot. I'm not sure that's DOT jurisdiction to create a parking spot.

Russell Davidson: I think that would be the village.

Anthony Monteleone: As long as we are not changing traffic flow.

Doug Hertz: I would love to know where the marking is for the last existing spot. I agree with you that it looks like you're getting one additional parking spot, but it will be worthwhile to show it on the plan that you expect, based on where the current spots are striped.

Russell Davidson: Do you know how that gets settled? Is that the village that lays those out?

Whitney Singleton: You technically have to get authority from the state, but yes, the parking spaces and maintenance of them is the responsibility of the village as is the sidewalks and curbing.

Anthony Monteleone: We need State authorization to create a space where we are not changing traffic?

Whitney Singleton: If you are going to change something within your community that impacts a state road, you need the state's permission.

Anthony Oliveri: You need a state permit to change a curb cut on that plan that you are showing the space.

Russell Davidson: We will get that with part of our discussion with DOT.

Anthony Monteleone: We will show the additional parking spaces as part of the request of the state for the permit to change the cut.

Stanley Bernstein: Since we have been charged by the Village Board to make sure the construction trucking does not impact upon the neighborhood, I would like to know the lengths of the trucks that are going to service the construction, their frequency, their route, etc. We have been charged by the Village Board to do this.

Anthony Monteleone: As far as vehicles that would be serving the site during the construction, I don't think there is going to be anything extraordinary of any size or length that would exceed normal construction. We will have concrete trucks for putting in footings and foundation; we will have trucks coming in from lumbar yards. It's standard.

Russell Davidson: A 25-foot flatbed is the longest I would envision. The building is being built as more like a house. It is going to have 14-

foot high columns. They are steel, so they are made at a shop.

Stanley Bernstein: That may take a longer truck.

Russell Davidson: I don't think so. Then there is going to be conventional light metal-framed rafters. That is like a steel stud version of rafters. It is a truss rafter construction; it is not big pre-fab trusses. We envision them to come cut to length. They are going to be something like 17 feet long. We are not seeing anything that is 24 feet.

Stanley Bernstein: I have nothing to worry about then?

Russell Davidson: No. This is more like a house addition than a parking garage. I would also point out that we now do have a phasing plan, which shows Phase One as moving the driveway to the north of Paul's Power, so we are creating a construction zone. We really envision most of this unloading to happen on the diner property adjacent to the construction site, not street loading, because that is just not tenable. There might be a hydraulic crane to lift some things, but again that is going to be a truck-mounted telescoping crane, not a derrick crane like we see at the hospital today.

Enrico Mareschi: How about containers for all the material?

Russell Davidson: That will be on-site. There is a significant amount of demo. I am sure that white stone will be coming all off. We have already done a little exploratory work to see how that worked, and thankfully it comes right off.

Vice Chairman Sturniolo: To wrap this up and move forward with your project, the lighting along the property line here; although it does not quite meet code, and I believe I'm speaking accurately for my fellow Planning Board members, this is something that we can live with that is acceptable without hitting the letter of the law, and the same along the back where it starts to get into the residential property area. The concern is being a diner and open for 24 hours a day, the light that is going to be generated in this area really makes this seem somewhat insignificant. I realize that it is a big expense to lower pole heights, but instead of taking a photometric plan like this, I'd like to see if you could go back to your lighting designer and see what kind of shielding and/or cut offs can be applied to reduce the lumen output and still conform as closely as possible to the current village code. I think that would be something that would be acceptable for all of us. Anthony can give you some guidelines.

Russell Davidson: I apologize because I think you asked for this already and I don't know if I acted on it. I will certainly look into that for you.

Anthony Monteleone: You are talking about using existing poles and maybe fine tuning them.

Vice Chairman Sturniolo: A change of bulbs in the existing fixtures but leave the fixtures there. Use full cut offs where necessary and fine-tune it a little bit more than it's presented here. The way it appears to me right now, this could be extremely bright and for a long duration of time. If it were a restaurant that closed at 11 pm, it may be something

you could live with. If this can be on till 3 or 4 AM when sunrise begins, it takes a little bit more of a serious impact. If you could get your lighting engineer to look at it and see where positive consideration could be made.

Russell Davidson: We will do that.

Anthony Oliveri: On the proposed lighting, I could not find the pole heights anywhere on the drawings.

Russell Davidson: I think that was clarified in a letter to you.

Anthony Oliveri: Please note that on the final drawing.

Anthony Monteleone: The only residential property that is really impacted is the one owned by the applicant. It does not impact on these residential areas.

Russell Davidson: Also the light to the north is a little deceptive, because that is a wall. There is really no light spill on the property. It's stopped by the wall.

Doug Hertz: I don't know if our plans match, because there is an appliqué on the plan that I'm looking at. There is a notation that says MH equals mounting height. There are MH stamps on the poles that are indicated.

Russell Davidson: I was checking the drawings and I made him put the pole height stickers.

Doug Hertz: It looks to me like we are using 16-foot poles.

Vice Chairman Sturniolo: We are trying to kind of meet halfway on it rather than running up your bill or discounting the village code at the same time.

Anthony Monteleone: We will come back to you on that.

*Discussion followed as to the discrepancy of plans each Board member had.*

Anthony Monteleone: When do you think we might be able to get the responses to these issues?

Russell Davidson: The landscaping plan is the biggest thing. Do I have to do anything more on the length and frequency of the trucks, or are we good on that issue?

Stanley Bernstein: We're fine.

Russell Davidson: I have to research the width of the lot area, and that will probably be addressed by letter. The landscaping plan is the most work and getting DOT on the phone is going to be a challenge. I am going to work on the landscaping plan right away and hopefully have that back to you in a week. A memo to Nanette copied to everyone on the two changes that she mentioned, and then we will just start calling DOT everyday and see how far we can get. I will see if I can do something with the existing fixtures and get you an

estimate of how that will change things.

Vice Chairman Sturniolo: We are having a meeting on December 11, and you need to let us know if you are going to be able to have all the information prior.

Russell Davidson: That is our goal.

Vice Chairman Sturniolo: The submission date for the December 11 meeting would be November 20.

Russell Davidson: How about a little extra time, please?

Vice Chairman Sturniolo: A little extra time is fair.

Russell Davidson: The 27<sup>th</sup>?

Vice Chairman Sturniolo: The 27<sup>th</sup>, which is a week after.

Whitney Singleton: When do you envision beginning construction?

Russell Davidson: We want to finalize this so that we can finalize our bid documents. We envision starting construction in late January if the weather is okay.

Anthony Monteleone: Demolition may take place before that.

Russell Davidson: Paul's Power has to come out first.

Anthony Monteleone: We were hoping that we can start demolition before year-end, but it looks like now it will be January. We will start demolition as soon as we get approval.

Whitney Singleton: Does Paul's Power have any spill notices, clean ups or anything else?

Anthony Monteleone: We checked into that, and I did submit to you a remediation that did take place. There was a spill and there was a closure on it. I gave that to Nancy.

Russell Davidson: That can certainly be a condition of the building permit.

Whitney Singleton: There is no monitoring wells or anything like that?

Anthony Monteleone: No. After that spill there has been nothing further.

**Continuing Review  
The Hearth at Mount Kisco  
270 Kisco Avenue  
PB2012-15 69.49-4-1**

Vice Chairman Sturniolo: I will defer to Whitney. What are we not doing tonight?

Whitney Singleton: They had an application that they needed to make.

Vice Chairman Sturniolo: That was the 26<sup>th</sup> of October?

Whitney Singleton: Yes. They met their deadline, it is before you now so you officially receive it, but as I acknowledged at the last meeting, they are not in a position to substantively address the issues that Nanette, Anthony and the Board had raised with them at the last meeting regarding their technical memorandum, showing what the new project is proposed versus the last proposal as far as where they have departed, where they have cut back, where they have increased, building coverage, height. All of those items are going to be outlined in a technical memorandum beyond what they presented to you last time in a fashion which is suitable for Nanette to make sense of, so she can fully relay to your Board what she thinks the impacts are associated with the building revisions. They acknowledged that they have deadlines. They acknowledged that they would not be able to submit that technical memorandum in a fashion that would meet tonight's deadline, and that they understood that tonight's delay would be on them, not on your Board.

Vice Chairman Sturniolo: Again, going back to the minutes of our last meeting, starting on Page 24 concluding on Page 31, we discussed somewhat of a timeframe knowing when the technical memorandum was going to be generated in relationship to the October 26<sup>th</sup> meeting with the Village Board, and obviously nothing was planned to be received tonight other than the 16 pounds of paperwork that we all received. So it still is under "Continuing Review."

Stanley Bernstein: I will reserve my comments until the end. I want to be fair and unbiased.

Vice Chairman Sturniolo: As a reminder, we also need to start looking toward the new calendar and rules and regulations.

Stanley Bernstein: I will be looking it over. I make changes every year, but Whitney vetoes them every year and they stay the way they were from the previous year.

Vice Chairman Sturniolo: The typos?

Stanley Bernstein: Yes. I'll do my best this year.

### **Correspondence**

Minutes from the Mount Kisco Beautification Committee dated October 3, 2012.

*As there was no further business to be discussed by the Planning Board, on motion by Mr. Vigliotti seconded by Mr. Mareschi, the meeting was adjourned at 9:00 PM.*

Respectfully submitted,

Stanley Bernstein,  
Recording Secretary

dm