

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, April 23, 2013

Chairman Cosentino called the meeting to order at 7:40 P.M. at the Municipal Building Mount Kisco, New York.

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Sturniolo
 Stanley Bernstein
 Sol Gibbons
 Enrico Mareschi
 Ralph Vigliotti

Members Absent: **Doug Hertz**

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

Staff Absent: **Austin Cassidy**

Meeting Minutes:

March 12, 2013

Motion: **Stanley Bernstein**
Second: **Ralph Vigliotti**
Abstain: **Sol Gibbons**
All Aye

Chairman Cosentino: At this time, I would like to introduce our new Assistant Building Inspector, Rob Melillo.

Final Action

Maya Restaurant
37 East Main Street
PB2012-16-(SBL) 69.81-2-4

Present:

Theodore Strauss, Theodore Lawrence Strauss Associates,
Architect for the project

Chairman Cosentino: We have a draft resolution and a revised site plan dated March 13, 2013, and a revised floor plan dated March 13, 2013 again and a front elevations revised March 13, 2013. You know you need a sprinkler system. I will let Mr. Melillo explain why you need a sprinkler system.

Robert Melillo: I know your occupant load is under 100. I spoke with (a representative from) the state and they advised me if you have a

room in the middle, but your occupant load is one. It has to be for the space that is provided. The room can hold more than 100, and you have to provide for the sprinklers because you have to calculate for more than 100. You have to calculate what the occupant load of the room is. The only way to get out of it would be to build cabinets, bars, etc., that would take up space that would bring your occupant load down at that point.

Theodore Strauss: Can we discuss this in more detail in your office rather than taking the time of the Board?

Robert Melillo: Of course.

Nanette Bourne: Do you want that to be an additional condition?

Chairman Cosentino: Yes, thank you. Of course, we are not going to take a vote on this tonight because of the additional issues.

Vice Chairman Sturniolo: On our agenda, the restaurant is listed as 37 East Main Street and the resolution says 31-41 East Main Street. Is that a typo or is that correct?

Theodore Strauss: 31-41 is the total building, and the space that Maya is occupying is 37.

Vice Chairman Sturniolo: So it's correct on the resolution?

Theodore Strauss: I have not seen the resolution, so I do not know what the resolution says.

Chairman Cosentino: It says 31-41, but it should address 37 also.

Whitney Singleton: The resolution references more sections of the building.

Nanette Bourne: May I make a recommendation on the third "Whereas" you can just add 37.

Anthony Oliveri: The Change of Use was for the 37, but the site plan is for the whole area.

Vice Chairman Sturniolo: On the actual resolution itself, on one particular number, Item #12 on the resolution which refers to the building inspector's confirmation practice of delivering food and the department of health. How is that going to get accomplished, and how is it going to get enforced? It's nice to put it in the resolution, but where is the backing for it.

Whitney Singleton: I believe Item #12 was a carry-over from a prior site plan approval that does not have the same conditions germane to this application.

Chairman Cosentino: Are you saying eliminate #12?

Whitney Singleton: Yes.

Vice Chairman Sturniolo: That's fine.

Chairman Cosentino: On Item #8, "the backload devices shall be installed to the satisfaction of the village engineer and building department." I would like that before the Certificate of Occupancy is issued that Rob makes sure that the device was installed properly.

Robert Melillo: It's one of the things that have to be re-certified yearly. We will need records of that.

Theodore Strauss: Is that not supervised and controlled by the health department?

Robert Melillo: I don't know about that. This Board is asking for that, and if you're going to put an RPZ (reduced pressure zone) in it has to be certified yearly. We would have to see those records and file it every year.

Chairman Cosentino: It also has to be inspected yearly by a certified inspector that inspects the flow.

Theodore Strauss: Understood. That is a normal requirement of the Westchester County Health Department.

Chairman Cosentino: That is put on the main line. If there is a separate water line for Maya, we don't put it on a separate water line. That goes onto the main line coming into the building.

Vice Chairman Sturniolo: Since the applicant voluntarily offered not to have pool tables in the establishment, do we need to highlight that fact in the resolution?

Nanette Bourne: Would you like me to add a "Whereas."

Chairman Cosentino: That would be fine. Then you will have to come back to the Board for any device; whether it is pool tables, coin operated games, etc. I am recommending that we not vote on this tonight until the sprinkler system is straightened out with the Building Department and the rest of the additions added onto the resolution. I would rather wait until the next meeting to vote on this resolution.

The Board agreed with Chairman Cosentino.

Chairman Cosentino: We will place you on the agenda for the next meeting for final action.

Robert Melillo: On the approved Planning Board plans, please put the RPZ on there.

Theodore Strauss: I will do that as a separate drawing.

Robert Melillo: I would like anything that is in the resolution to be put on the approved plans for the Planning Board.

Theodore Strauss: Sure.

Continuing Review

The Hearth at Mount Kisco 270 Kisco Avenue

Present: Mark P. Miller, Attorney at Law, Veneziano & Associates, representing the applicant
W. Charles Utschig, Jr., P.E., Birdshall Services Group, Engineers & Consultants, Project Engineer
Martin L. Siefering, AIA, Principal, Perkins Eastman, Project Architect
Christian Sexton, Vice President, Development, the Fortus Group

Nanette Bourne: At the end of last year, the applicant returned to us after having been away for a long time and introduced to you a slight revision of what had been Westchester Residence and is now The Hearth. You looked at the various changes and we talked about what to do next. Just to review where this was left, the applicant completed the SEQRA process and you adopted a Statement of Findings. In that Statement of Findings that was specific to Westchester Residence, there were a number of items that were still outstanding. When the applicant came back with the revised project, The Hearth, we went back and looked at those items that were in the Statement of Findings that still needed to be resolved. They primarily concerned some grading issues, the access issues, emergency access, water, and there were some natural resource issues. We provided the applicant with the outline of issues that should be included in a technical memorandum, which responds to the issues that need to be outlined. The purpose of that is for you to make a determination that the SEQRA, the environmental impact analysis that was done for Westchester Residence can be reaffirmed with the additional information and the analysis of changes is adequately reviewed, and you have taken a hard look and determined that the environmental impacts have been identified and the ones that need to be mitigated have been mitigated. This review of ours from April 3 looked at what was included in this analysis, and we find that on the whole they address the issue satisfactorily with a few exceptions. The most significant exception is that there is a discussion of the emergency access road. If you recall, the original one was coming up this way (indicating) and your conclusion was that you did not like it, the impacts were not evaluated and to find some other way to consider it. The applicant has considered and discussed in this technical memorandum two options. One, a connection to Curtis Instruments, and the second a connection to BMW. In this analysis, they compared the environmental impact so there are two alternatives to this one that was not acceptable to begin with, and concluded that the two alternatives don't have the adverse environmental impacts that this has, so they are better. When, in fact, they really never evaluated this to begin with, and this is not what you want it to be compared with. You really need to consider the environmental impacts of the connection to Curtis Instrument and the environmental impacts that would be connected to BMW. So, it is not a fatal flaw. They are going in the direction that you wanted them to go in, but they do need to provide some additional analysis of the grading, conditions and any of the potentially adverse impacts, and what they are going to do to mitigate them. Also, there are a number of site plan issues. Once you get through the SEQRA process, my recommendation is that this Statement of Findings is not ready to reaffirm. They need to bring back additional information on the alternatives to the access points.

Mark Miller: I think Nanette summed things up fairly well. We might have a quibble about what the Board felt or deemed with the access up to the water tower, but we are not here to debate it at all. We intend to provide you with the information and I believe Chuck has some information he can discuss tonight. The emergency access issue actually drives several aspects of the plan. One of the reasons we were gone for so long, in addition to having to do all the technical studies Nanette required, was to look at options for further mitigating impacts to the site. Frankly, at the time of the original approvals, we had some consideration of the access from BMW. We had never considered potential access from Curtis. In looking at that potential, we realized there were potentially other opportunities to further mitigate the impacts. You saw in the plan by flipping the building and putting the memory care aspect where the assisted was and vice versa. Chuck will address what those impacts are. We have been in discussion with Curtis Instruments. Nothing has been concluded yet, but the negotiations are going, I think it's fair to say, well. Frankly, one of the things that both my client and Curtis would like to hear would be the Board's general reaction to the flipped building and what Curtis Instrument's access would allow us to do and hopefully allow your Board to approve. With that feedback, we can hopefully conclude the negotiations in a short time and come in with definitive information that Nanette is looking for and we know you're looking for so we can move forward with the special permit in the site plan process. With that, I will let Chuck take over.

Chuck Utschig: Good evening. As Nanette indicated, most of the technical information in response to the findings were provided. There were traffic studies, additional wildlife assessment, and those seemed to fall in line with the information provided in the FEIS and consistent with the findings statement. There were two issues that needed further work; that being the secondary access road and the discussion of the water line. We identified two options as secondary access; one being from the BMW parking lot. It intersects our driveway at the second loop. As Nanette requested, we will define the impacts of each of these independent of the hold potential of the access road that went to the tank. We understand we have to do that, but tonight I wanted to give you a quick sense of what we think the benefits are to each of those. This one (indicating) is actually fairly short, not a lot of impact or grading to go with it. It also intersects our road come further down than may be ideal. Yes, it provides a second means of ingress into the site; yes, we have talked with BMW, so this has its pros and cons, and it's pretty simple – there is not a lot to it. When we started looking at the access point from the Curtis property, we started to look at other potential benefits to coming in from the Curtis property, so the process of looking at a secondary access actually evolved over time. Originally we had the building footprint as it was with a very straight, right-up-to-the-driveway kind of a design that had walls on both sides, and it really wasn't working very well. We went back and took a broader look at this and figured out a combination of things. There are two access points to the under part of this building; one for the parking, one for the service area. They were originally located on this side, which kind of drove the need for having a road coming around the south end of the building. We also realized that in this corner, the existing grade change from the front to the back of the building is between 30 and 40 feet in elevation. The further we spread this out, having to have road go around it, the bigger that number became. The differential in the grading was very severe, even in our original

plans. We started looking at the option of simply bringing the access road around the north end of the building, and then being able to extend the secondary access parallel to the contours so it doesn't result in a lot of grade change. Literally, from one end to the other it is about 500 feet long and has about six foot of differential and grade to it. We are able to follow the contours and therefore keep the disturbance to that path very limited. So, what we were able to accomplish is to bring the road up around to the front of the building and then create the secondary access but significantly reduce the amount of impact we had over in this quadrant of the building. We have about an acre more of undisturbed area based on this design, and the cuts and fills required at each end of this building are substantially reduced. For example, the cut into the hillside on the original design at its highest point was about 30 feet. This cut in this design is about 14 or 15 feet, so we were able to cut it in half. The number of walls that are necessary in order to create this flat plateau have been substantially reduced also, not only in length but in height. So the net result out of being able to provide a secondary access in this configuration parallel to the contours and being able to bring a single feed around to the building really had multiple benefits to us. We also realize we had to bring the two access points underneath the building to the north side. That is the emphasis behind flipping the building, because the underground parking is under this section of the building. The downside to it is it takes what was the one and a half story over here and flips them, so the higher part of the building is over in this quadrant (indicating). If you look at the photo simulations that were provided, a lot of the building doesn't stick up out of the trees. If you look at it and compare the old to the new, it is not like all of a sudden there is two and a half stories more sticking out above the trees. That is part of what we submitted to the Board to look at.

Chuck Utschig: (continues) The other thing this plan does is incorporate some additional work on the stone water management system. We believe it is going to be necessary to meet the DEP criteria. We have had one meeting with them and we really need to get the Board's sense of this plan before we go any further with the detailed design of that and then a re-submission to the DEP.

Chuck Utschig: (continues) In terms of overall impacts for this plan, there is about an acre of additional area that is not disturbed. There is approximately one acre of reduction in impervious area, and that is accomplished by eliminating this piece of road (indicating). We took a few of the parking spaces and put them underneath the building. We really worked towards trying to reduce the amount of impervious area. So, we think the net benefit of this plan stacks up pretty good in terms of positive impacts or reduction in negative impacts relative to clearing, earth-moving operations, impervious area and the like. The lower part of the site and the access has stayed the same. We have been consistent with the proposed landscaping throughout that area. Part of our submission was an amended landscaping concept that went along with this revised plan. We still have the terraces that go along with this section of the building. There is green roof incorporated into this design, which is going towards trying to satisfy some of the DEP criteria and LEED criteria. All in all, we thought this plan represented a significant number of positive changes overall. Both access points are viable. This one (indicating) is pretty straightforward and provides a certain benefit. The one from Curtis also has other benefits that are a little bit more positive.

Chuck Utschig: (Continues) The other issue we dealt with was the water line. Originally we had a single feed into the site. There were a lot of questions about fire protection, sprinkler systems, etc. We extended a secondary feed that will come up between the BMW and the Curtis site. That will allow us to create a more conventional looped water system. That will be a secondary source of water should there be a problem. We have two ways to feed the site and feed the sprinkler system.

Vice Chairman Sturniolo: That is the eight-inch line you are referring to?

Chuck Utschig: Yes. This the heart of the information we submitted. There is a traffic report and an ecological report, but again those all seem to conclude and Nanette's office has looked at them. They are consistent.

Chairman Cosentino: You did a beautiful job in doing that, but if you had something in color this Board would understand a lot more of what you said. It is very difficult to look at what you have there now.

Mark Miller: Specifically, the differences?

Chairman Cosentino: The change in the building. You are tipping the building from one side to the other side. Comparing it to the first plan, like an overlay. It would really help to look at what you have there.

Chuck Utschig: Okay.

Vice Chairman Sturniolo: I'd like to see it in color. It would be easier to see between the two.

Chuck Utschig: We have a representation that overlays the old width and new in a shading kind of a way. It's busy and because we had such a change, this would have been a very complicated plan. We can do that in a smaller version that is kind of easier to see the relationship.

Vice Chairman Sturniolo: What is an Indiana Bat?

Mark Miller: Indiana Bats and I will certainly defer to Nanette because she has more information. Everything is a potential habitat I don't know if anyone in Westchester has ever seen one. We've had studies done, but no one has ever seen one.

Nanette Bourne: It's the habitat.

Stanley Bernstein: Nanette, you have "recommended avoiding shrub and tree clearing ..." Why is it recommended and not demanded?

Nanette Bourne: That is what they said they recommended.

Stanley Bernstein: And what happens if they don't want to do it?

Nanette Bourne: That is up to you.

Stanley Bernstein: Next thing. You guys consider yourselves professionals, I assume. Is that correct, Chuck?

Chuck Utschig: I hope so. I try.

Stanley Bernstein: Well, look at this. This is the most amateurish piece of garbage I ever saw. Couldn't you bind it or put it in a loose-leaf?

Chairman Cosentino: Stan, I know your point.

Stanley Bernstein: I don't have enough time to go through all this, and I have many, many comments but I want to be able to read it.

Stanley Bernstein: (continues) Also, Nanette, we still have a steep slopes hearing on this?

Nanette Bourne: Yes. This is just SEQRA. You have to make a SEQRA to either reaffirm the Statement of Findings or deny. Then the site plan process will begin.

Mark Miller: There will also be a public hearing on the special permit. Would it be fair to say we should continue our discussions with Curtis regarding the benefits of that plan, absent the overlay, so we can keep going?

Chairman Cosentino: It sounds good. Chuck gave a beautiful spiel on it. It sounds good, but I'd rather see more of it. It's hard to see here.

Vice Chairman Sturniolo: Could both operate simultaneously? Revised display from the visual/conceptual point of view and at the same time do whatever conversations you're having with the Curtis property owners?

Mark Miller: I think so, and we will certainly continue those discussions.

Chairman Cosentino: Curtis definitely sounds better; there is no doubt about it. I'd just like to see more of it.

Mark Miller: We will do both.

Chuck Utschig: That is primarily as a relationship to the original plan; how the Curtis driveway and the original plan relate to each other.

Vice Chairman Sturniolo: The original meaning Westchester Residence or are you referring to BMW?

Chuck Utschig: I think the comparison is between this layout (indicating) and the layout that has the secondary access from Curtis.

Mark Miller: This original plan has the memory care in the southern part and the loop road completely around it. The other would be the Curtis with the building flipped and the emergency access and the elimination of the whole loop.

Vice Chairman Sturniolo: Chuck, to go back to that secondary, eight-inch water loop line, the main line on Kisco Avenue is still a ten-inch line?

Chuck Utschig: Yes.

Ralph Vigliotti: Please talk about the amount of trees that will be lost due to the proposed road going to Curtis Instruments?

Chuck Utschig: The net/net, not considering this (indicating) was a couple of hundred trees benefit, and it is not just related to this, but it's the benefit in this quadrant, where we are also able to preserve a little more area. This (indicating) is a little wider in dimension. Overall, it's about 280 trees.

Ralph Vigliotti: Benefit from the loss of about 2,000.

Chuck Utschig: That is correct.

Ralph Vigliotti: I think what the Chairman had mentioned about something in color that would help to outline what is green space that we would gain in that one acre, the swat of road going through the trees. We'd like to know they are first-growth trees or trees that are 12 -16 in caliber that may be removed. 2,000 trees is a lot.

Mark Miller: But a savings of 280 out of that is significant.

Ralph Vigliotti: It depends who you speak to.

Mark Miller: Fair enough.

Ralph Vigliotti: Going into BMW, which I'm not sure I'm for at this point; what is the loss of trees going into BMW?

Chuck Utschig: There is actually a net loss because there is no gain back from the BMW. We actually have more trees coming down by virtue of this plan, with the BMW access, because we have to take the trees down in order to create this access road.

Mark Miller: And we still have to keep the loop road.

Ralph Vigliotti: How many trees was that as a net loss into BMW?

Chuck Utschig: I don't have the exact number, but the estimate was between 25 and 30 trees.

Ralph Vigliotti: Versus 2,000?

Chuck Utschig: No, the 2,000 is project-wide.

Ralph Vigliotti: Maybe I didn't ask this correctly. How many trees would be coming down due to the emergency road?

Chuck Utschig: We will clarify that.

Mark Miller: It might be useful to ignore the old access road up to the water tank under the original plan with no emergency access. What would then be the total number of trees coming down? What would the total be if we had the BMW access and kept the loop road and then what the total number would be if we didn't have BMW, had the Curtis access but were able to eliminate the loop road.

Nanette Bourne: We had a discussion with the fire chief. They are considering all of these changes with the advantages and

disadvantages. It might be a good idea now to refer this to get some input as to what they prefer. That might affect the decision.

Chairman Cosentino: I think Ralph and Rob talked about that.

Robert Melillo: We usually don't know the code for that end of it. Have you reviewed that as far as fire code?

Nanette Bourne: That is not something I would do.

Robert Melillo: As building inspectors, we look through Appendix C and look through the fire code re road widths, hydrant locations, how big the building is, etc., beforehand, which we will absolutely do beforehand. This is the first time I've seen this application. Now I can sit with someone from Perkins-Eastman and go through that with them.

Nanette Bourne: My point is obviously they have to meet the code. Would there be a preference with one secondary access road?

Robert Melillo: That is even if it's required, and I'll have to look at the plans and take a look at it at that point.

Nanette Bourne: If it's required?

Robert Melillo: Secondary access? Yes. I'd have to see the road widths, etc., and go through the code on that end, and do a fire apparatus access at that point. I can't do it from here because I've never seen the plans. I don't want to speak out of turn.

Chairman Cosentino: Rob and Ralph have not seen this plan yet, but they did say something about the access road. It has to be done within the building department.

Robert Melillo: Absolutely, it has to be done.

Chairman Cosentino: In saying that, you will keep in contact.

Anthony Oliveri: At the same time, you might want input from emergency services themselves. A code review is what you need to do, but at the same time, they could probably get some input from emergency services.

Robert Melillo: I will do a code review.

Nanette Bourne: Right now there is probably not enough information to do a code review.

Robert Melillo: You have to do a code review for planning.

Nanette Bourne: No, it's for SEQRA.

Chairman Cosentino: Rob is saying at the end of the day, the site plan on the code has to be completed.

Nanette Bourne: That is absolutely right.

Anthony Oliveri: It is a good idea to do it at this point, because there is enough information – length of the road, etc.

Robert Melillo: I understand. I don't know how you can do SEQRA without a code review, as far as fire department apparatus access. That is what is going to determine your road widths, hydrants, length of the building, etc. If it doesn't meet any of that, you actually have to redesign the project at that point.

Chairman Cosentino: It's in your hands.

Continuing Review:

**350 Lexington Avenue Realty LLC
350 Lexington Avenue
Sebastian / Steven Giner
PB2013-5 (SBL) 80.48-5-2**

**Present: Michael A. Russo, Attorney for the Project
Steven Giner, Owner, 350 Lexington Avenue Realty
Sebastian Giner, Owner, 350 Lexington Avenue Realty
Brian Hildenbrand, Kellard Sessions Consulting - Site Planner
John Kellard P.E., – Kellard Sessions, Site Engineer**

Brian Hildenbrand: The first comment was a typographical error between the presented areas of the lot comparing to what the survey showed with the correct area. The second comment was noted regarding the adjacent curb.

Anthony Oliveri: There was an easement noted on the survey, but again the drainage is not connecting through that area.

John Kellard: We are fully self-sufficient with the drainage at this point. We are taking the roof drainage and the parking lot drainage to the existing drainage system on Columbus Avenue and we are treating it before we discharge it into the village system.

Nanette Bourne: Those are the comments that I had on my memo.

Anthony Oliveri: We had a comment about the dimensions of the parking stalls. They need to be 18.5. Are you making that change?

John Kellard: Are you talking about the three spaces in the front?

Anthony Oliveri: The 90-degree spaces.

Brian Hildenbrand: They were next to the handicap spaces. They were continued at 18, so it either extends straight or move the curb.

Anthony Oliveri: We have a similar comment on the dumpster enclosure. The new plan needs to have a detailed redesign.

Chairman Cosentino: You can go through (this memo) briefly, because this is all engineering.

Anthony Oliveri: It's up to you if you want to go through this or not.

Chairman Cosentino: Have you gone through it with them?

Anthony Oliveri: They've had this memo since the last meeting was cancelled.

John Kellard: We agree with everything Anthony has gone over in his memo.

Chairman Cosentino: This is engineering, and you can work this out with them.

Nanette Bourne: Please brief us on your status with DEP?

John Kellard: We have not submitted anything. We wanted to make sure this plan is acceptable. We assume it could be a condition of approval, and we would file the Storm Water Pollution Prevention Plan (SWPPP) with DEP and submit it to Anthony for his review and approval.

Nanette Bourne: It's up to the Planning Board, but their practice has been to have the SWPPP in advance of site plan approval. We understand you won't have a completed SWPPP, but they would want to see it just to make sure that DEP would not require any change to the site plan.

Michael Russo: We thought the reverse. We thought we had to get your approval first before we go to DEP.

Anthony Oliveri: Either way, you must submit the SWPPP. I want to see that during the process now, not after. That has to come in now.

John Kellard: We will get it to you this week. It's basically a reduction in impervious surface because it's fully paved now, and it's treating the storm water with a vortechnic device, which will be moved up to our property. It is the Main Street area. That's why we have to go to DEP or else we would not have to go to DEP on this issue.

Chairman Cosentino: Continue working with Anthony and Nanette.

Vice Chairman Sturniolo: Nanette, in your memo regarding the lot area and zoning conformance chart, has that been rectified?

Brian Hildenbrand: Yes, it was a typo and it was corrected to the first number.

Vice Chairman Sturniolo: The 42, 704?

Brian Hildenbrand: Yes.

Vice Chairman Sturniolo: We have a photometric lighting plan?

Brian Hildenbrand: Yes.

Nanette Bourne: For the next meeting do you want a draft resolution?

Chairman Cosentino: Absolutely.

Whitney Singleton: When do you think you will have your SWPPP and your revised plans?

John Kellard: This week.

Whitney Singleton: We will be meeting this Friday morning. If you can have it in by then, it would certainly help us.

Special Discussion:

16 East Hyatt Avenue

**Present: Antonina Demaio, Property Owner
Frank Demaio, Brother of Property Owner**

Chairman Cosentino: When we were over there for a site inspection, I was surprised. I got your plans back from your architect. We suggested a porch go on in front.

Antonina Demaio: Yes. We did not put the porch on the front because it increased the development coverage too much, and we thought the Zoning Board would not appreciate that because they were very concerned with the development coverage to begin.

Chairman Cosentino: No, we would have covered you on that. You would rather not have the porch.

Antonina Demaio: They could put the porch there if you want it there. I think there is another issue with the porch that Anthony brought up about that I would need another [CULTEC](#) system?

Anthony Oliveri: Nick had asked if there was any increase in impervious coverage that you would need, and of course you would, but there could be trade offs with the paved areas, etc. to compromise.

Antonina Demaio: When we looked at it, even if you got rid of the turn-around piece, the way the porch would come out, it would make it worse. (The Board) knows that I am very cost-sensitive, so adding another dry well will mean that I will have to re-do...

Chairman Cosentino: I didn't know that. Is that what she is going to have to do?

Anthony Oliveri: It's really not a driving issue. Adding one CULTEC unit of drywell.

Antonina Demaio: It's \$3,000 to add that. It's not cheap.

Anthony Oliveri: Nick wants to study that. At this point, the Planning Board doesn't even have that. I also suggested maybe some architectural treatments.

Antonina Demaio: He said possibly a pergola, which might be better because there is no development coverage to that.

Anthony Oliveri: Yes. There is other things you can do. He also talked about a trade-off with the turn-around area.

Antonina Demaio: That would be another variance, which I know the Zoning Board was hesitant to do.

Whitney Singleton: What would be another variance?

Antonina Demaio: If we get rid of the turn-around in the front, then you technically need a back-up variance, because the zoning requires you to egress.

Whitney Singleton: No one has identified that as a required variance at this point.

Antonina Demaio: If we were to go with that suggestion, we would have to add an additional variance.

Anthony Oliveri: The problem is that the Board does not even have a study of that now so it can be discussed.

Antonina Demaio: I don't know what kind of study I would need.

Anthony Oliveri: A drawing, something on the plan without the turn-around, some kind of porch treatment that maybe the Board could look at and maybe would like or not. Right now they don't have that at all.

Chairman Cosentino: We asked for the porch on the front and the roof, and you said, "no problem." Now I get a plan with nothing on it, and never had the courtesy of your architect calling me and saying he was not going to put it on. Honestly, when I saw this I was shocked. This is not what you said. This is not the plan we were supposed to get. I am disappointed in that.

Antonina Demaio: I'm sorry that you're disappointed. In his defense (the architect) we also looked at the other houses on Grove Street and Hyatt, and if you look at them, they don't have porches.

Chairman Cosentino: But they are not sideways on a lot either.

Antonina Demaio: 51 Main Street is put sideways and there is no porch there.

Chairman Cosentino: That is why we now have the Architectural Review Board, because of those two houses. As a matter of fact, you are right. Those two houses implemented the Architectural Review Board.

Antonina Demaio: At the end of the day, I think I can get everyone happy and have good landscaping either adding a pergola or some sort to the site. I obviously do not want the concrete to show.

Chairman Cosentino: As it sits right now, for impervious surface, the overflow on the land itself, you have a problem in the rear. We are suggesting, because we don't have anything else to work with, eliminating one car here, taking these steps out, and taking this out (indicating).

Antonina Demaio: How much is it to take the car out? Because you get charged every year for not having the space. I'm not following what you're saying.

Chairman Cosentino: Originally we let you have three cars instead of four, even though you need four.

Antonina Demaio: Really? I didn't know that.

Chairman Cosentino: That was with the porch.

Antonina Demaio: I thought we were going to do two spots in the back and two on the side of the house.

Chairman Cosentino: We were going to do that, but since you don't want the porch, we need to change this around now.

Antonina Demaio: I don't see why we need to change it around.

Chairman Cosentino: That is what the Board wants. Eliminate the steps.

Antonina Demaio: How do I get into the basement?

Chairman Cosentino: You have to find a way inside. You have steps going downstairs. Take one car out of here.

Antonina Demaio: So I would not have to pay an annual fine for not having the car there?

Chairman Cosentino: No. And, eliminating the turn-around with green there. Also, on the plan it shows one entrance here (indicating) to go to the two apartments.

Antonina Demaio: No, it's two separate entrances.

Chairman Cosentino: Weren't we going to eliminate one of these? You were going to eliminate one of these entrances because it was going to go in the front where the porch is.

Antonina Demaio: No, that is not what we discussed.

Chairman Cosentino: Am I wrong?

Vice Chairman Sturniolo: No.

Antonina Demaio: Mr. Hertz was not here.

Chairman Cosentino: What did I suggest?

Frank Demaio: You suggested she change the doors and make one landing in the front.

Antonina Demaio: You wanted a full-front porch, so there would be no entrance in the front of the house.

Chairman Cosentino: Yes, where the porch is.

Antonina Demaio: No, that is not what we discussed. With Mr. Hertz, that is not what we discussed, and he is not here. I would not have agreed to that.

Frank Demaio: You suggested we eliminate the steps and make one step and change the door.

Chairman Cosentino: I said one step to go into one apartment, the back apartment.

Antonina Demaio: I wouldn't have made these changes if this wasn't what we had agreed to.

Chairman Cosentino: I want to be corrected if I'm wrong. Mr. Vigliotti, were you there?

Ralph Vigliotti: I remember you saying something about a front door, and it kind of rang a bell, because I was not sure how that was going to fit in architecturally. I was not sure what room you were going into.

Antonina Demaio: The living room.

Ralph Vigliotti: I do remember Chairman Cosentino having that conversation.

Antonina Demaio: We did have that conversation, but then we also discussed with Mr. Hertz that it would not be necessary...

Vice Chairman Sturniolo: In all fairness to Doug Hertz..

Antonina Demaio: I know he's not here, but I would like to finish.

Vice Chairman Sturniolo: It's not that he's not here, he's one member, like all of us are. This issue does not hang on his shoulders.

Antonina Demaio: But I'm saying at the end of the day we discussed not having the front door in the front of the house. We discussed moving the two doors closer together and having one landing.

Vice Chairman Sturniolo: At the end of the day meaning the Saturday we were there?

Antonina Demaio: Yes. It was Chairman Cosentino, Mr. Hertz and I when you guys were all standing in the front of the house and we discussed what we would do about only moving the staircase to the middle.

Chairman Cosentino: Why would I want a porch with a front door on it?

Antonina Demaio: I don't know.

Chairman Cosentino: Would you put a porch without a door?

Antonina Demaio: Yes. That's how I thought we left it.

Enrico Mareschi: How would you get onto the porch?

Antonina Demaio: I wouldn't. I thought it was going to be wasted space, to be completely honest with you. I would not have agreed to put a door in the front. I don't want to change the front of the building. That was my misunderstanding if that's what it was, and I apologize for that.

Enrico Mareschi: I believe that is what the chairman said that day; to put the porch in the front with the doors and eliminating that first apartment door.

Antonina Demaio: I would not agree to that.

Vice Chairman Sturniolo: This is really getting confusing going back and forth. Probably the simplest way to do it is to make this a single-family home.

Antonina Demaio: I do not think that is feasible. I don't mean to interrupt you.

Vice Chairman Sturniolo: But you have. Let me finish, please. This way, you eliminate variances.

Antonina Demaio: You don't eliminate variances because you still need two parking spots, and I still don't have space for the two parking spots.

Chairman Cosentino: Yes, you do. You are eliminating one entrance here.

Antonina Demaio: I'm not. Why would I?

Chairman Cosentino: You only have one pad now instead of two. Remember we said one car here (indicating), and one car here?

Antonina Demaio: I'm sorry, but I'm not willing to do that. I don't have the money to do that kind of construction.

Chairman Cosentino: There is no construction.

Antonina Demaio: There is tons of construction. I have two landings right now.

Chairman Cosentino: You're going to keep the two landings?

Antonina Demaio: I am going to keep the two apartments, yes.

Chairman Cosentino: I'm talking about the landings. You're going to go to one.

Antonina Demaio: Right.

Chairman Cosentino: I'm trying to correct the parking here. So that leaves you 40 feet. 20 for one car and 20 for the other car.

Antonina Demaio: For parking, the way these plans are set up right now, we have one landing, the two parking spots that you had suggested, the two in the back that you suggested. The only thing that's missing here is the porch, which I don't think makes sense the

way the plans are laid out. I don't think it's aesthetically pleasing. I also think there are other ways to make the front of the house more aesthetically pleasing. I don't think you need a door in the front of the house the way you are suggesting, because at the end of the day that is not an entrance, and that's what I want whether you guys agree with it or not. That is your opinion and your decision.

Vice Chairman Sturniolo: A moment ago you mentioned money. I want to read something from the Planning Board meeting of March 12. You stated, "I don't have the money to do something like that, and it was already approved by the Building Department." You were kind of hanging your hat on the Building Department's approval. The next person who spoke is Whitney, our attorney, and he said, "I have heard that come up more than once before. I want to be clear, not so much for you but for the Planning Board and for the record. Any approval that was issued by the Building Department was predicated on one thing and one thing only – erroneous information supplied by you. Saying that the building inspector issued a permit is really of no consequence for purposes of this meeting." That is where I am coming from.

Antonina Demaio: I understand that.

Vice Chairman Sturniolo: You are responsible for the information that you supplied to your professionals who created the plan, by the way, which is illegible. This is tiny. You've seen all these other plans that other applicants had tonight. You can't even read this thing. That is where I'm coming from. You are responsible for the people you hired.

Antonina Demaio: I agree. I do not disagree with you. I am responsible, but I also relied on their representations and their certifications. I also relied on the fact that the building inspector understood the zoning code and approved my building permit based on his knowledge of that zoning code. Clearly, he did not.

Whitney Singleton: When you say that he didn't know zoning code that is incorrect. He knew the zoning code to know what the maximum development coverage was. The fact that your plans were based upon misrepresentation of your professionals is not something that is chargeable against the building inspector.

Antonina Demaio: I understand that, and I agree that the development coverage calculation was incorrect, although it was certified. I definitely do not have the requisite knowledge to recalculate that. I relied on that representation. The fact that the parking was approved the way that it was is a zoning issue, and I would have thought that building inspector would have known the zoning laws for parking and approve the plans accordingly. He approved three parking spots in the side property variance.

Whitney Singleton: I believe if you go back and look at it, he identified in a correspondence that that would have to be further addressed.

Antonina Demaio: I do not have that correspondence.

Whitney Singleton: It's in the file. He identified it to your then architect.

Antonina Demaio: That was never communicated to me. My assumption was that once the building permit was issued, all issues they had discussed were corrected. Otherwise, why would a building permit be issued? I get what you're saying, but this is where I'm coming from.

Chairman Cosentino: We have to address the Zoning Board of Appeals on this.

Antonina Demaio: I would appreciate it if you would give the ZBA a recommendation, whatever it is. If you want the porch as part of the recommendation, I can have Nick add it there. My concern was the development coverage went through the roof. Knowing just what is going on with RT - 6 zoning district and the changes that the mayor is making to that district, it makes me very hesitant to increase the development coverage on this lot.

Chairman Cosentino: It would not affect you anyway.

Ralph Vigliotti: You would not be increasing the existing development site that you have on this plan, because you would be eliminating the turn-around. The turn-around pretty much equals what the porch might take up.

Antonina Demaio: In all honesty, we did the porch with the turn-around because of the back up variance that would be required. The Zoning Board's biggest concern was (the) three variances, is there any way we can make it less?

Chairman Cosentino: I made it less by suggesting that.

Antonina Demaio: Yes, but then if we add the porch you then add back the back-up variance.

Chairman Cosentino: But you're adding aesthetics and they would go by that. If you eliminated one car back here...

Antonina Demaio: But then you need a variance for the one car, I think. I don't know. I would have to ask them.

Chairman Cosentino: And then you'd have to eliminate this (indicating) for coverage.

Vice Chairman Sturniolo: There are still separate issues as well to property lines where the parking spaces are. There are issues about distance.

Frank Demaio: If you eliminate the stairs, is there any issue with fire escape from the basement or anything like that?

Robert Melillo: It depends if you finish it. There is no egress out the basement required once you finish it and make it habitable space.

Chairman Cosentino: It can't be habitable space.

Antonina Demaio: It's not going to be habitable space. The only reason the stairs are there is because the doors aren't big enough to get boilers in.

Chairman Cosentino: I think the calculation was 520 to 525 square feet that you would have to make up for the over-build on it, because of the increase of the building itself. So, in order to make that up, you have to get rid of one parking space, the stairs and the turn-around. You would have three parking spaces.

Antonina Demaio: Will you put that in a memo that I can get before the next Zoning Board meeting so we can revise plans accordingly?

Chairman Cosentino: Other members may want other things.

Ralph Vigliotti: We are still recommending the porch.

Antonina Demaio: As opposed to a pergola or some sort of landscaping. The porch with no front door.

Chairman Cosentino: Why don't you just put a front door and just lock it.

Antonina Demaio: I feel like it would be wasted space.

Chairman Cosentino: It's not wasted space. Wouldn't you like to come out of the living room on a nice warm day and just sit down on the porch.

Antonina Demaio: No. I understand what you're saying, but I don't think it would look good.

Frank Demaio: How about a sliding glass door maybe with a porch without steps?

Chairman Cosentino: You need an early American deck there to really dress the house up. I've done dozens of them and they are not that expensive.

Antonina Demaio: I know but I don't like it. I don't like the idea.

Ralph Vigliotti: It doesn't have to be twelve feet wide. It could be six or seven feet.

Chairman Cosentino: It doesn't have to extend to the whole house. You could put some nice trees on each side of the porch.

Antonina Demaio: May I suggest that instead of separating the platforms on the front of the stairs, leave the two platforms.

Chairman Cosentino: Then you won't have room for parking cars.

Antonina Demaio: You can if I can keep the two spots in the back.

Chairman Cosentino: No. You need that space to make up for the overbuild on the building. I am trying to kill two birds with one stone here.

Antonina Demaio: I know, but I would prefer to keep the two spots in the back.

Chairman Cosentino: You may not get a variance on that.

Ralph Vigliotti: That is a tough area. That variance is probably not going to happen.

Antonina Demaio: How come that is going to be hard to get? That's the one that is the least intrusive on anyone.

Chairman Cosentino: It doesn't make any difference. The code says you have to be ten feet away. Ten feet is a big variance. I am trying to eliminate all of that, but I just can't get through to you.

Antonina Demaio: I'm hearing you. I am just not liking what I'm hearing.

Frank Demaio: Is it possible to keep the back steps for down the road, for the boiler or hot water heater?

Chairman Cosentino: You won't make the coverage.

Frank Demaio: It won't be easy to get a boiler or hot water heater down there.

Antonina Demaio: Even if I got rid of all that stuff and put the porch in, I need a front variance and back-up variance.

Chairman Cosentino: It's going to be easier to get a front variance than the back.

Antonina Demaio: So then I would have to go back to the Architectural Review Board?

Chairman Cosentino: You will have to go back anyway.

Antonina Demaio: Can we have a special meeting so I can get this house working?

Chairman Cosentino: They are not going to give you a special meeting. I have no control over the ARB, but we will tell the ARB, "this is what we want, this is what we like, please approve it." More than that, I cannot do.

Antonina Demaio: I know you are trying to help me.

Anthony Oliveri: The objective of the front porch is to make it look like the front of the house. Maybe it doesn't have to be a porch. Maybe it just needs some kind of architectural features on that side of the house.

Chairman Cosentino: That is not what the Board is asking. The Board is asking for a porch.

Antonina Demaio: I would like the steps to stay.

Chairman Cosentino: You will not meet the coverage.

Ralph Vigliotti: I will not recommend my vote to the Architectural Review Board with the back steps, which is taking up coverage on the property. Eliminating that could take away 20 percent of that 500 feet. As far as getting equipment down, I saw the doors going down

the steps. They are making smaller and smaller boilers as we speak, and they go down the steps just as they have done in my house and many other houses throughout the community. You are 520 feet short, and everything we are trying to do here is to support moving this forward. I hope you're listening carefully to what we are trying to recommend to make this happen.

Chairman Cosentino: I've tried everything here.

Ralph Vigliotti: I know you are caught between and rock and a hard spot.

Antonina Demaio: Ideally, I would like to keep the initial site that I submitted. I really don't want to move the front doors, because at the end of the day when you walk into the house, you are walking into the staircase.

Chairman Cosentino: Your choice.

Antonina Demaio: I know. I think if you make your recommendation, I can go back to the Zoning Board with my original request for variances. It would be very helpful to have your recommendation in writing so we can mull it over.

Chairman Cosentino: We won't make it in writing to you, we will make it in writing to the ZBA.

Antonina Demaio: I wouldn't get it before the ZBA meeting?

Vice Chairman Sturniolo: What are you going to do, try to roll the dice on our recommendation and see which way the wind is blowing?

Antonina Demaio: No, I am going to try to implement your recommendations to see if it makes sense.

Vice Chairman Sturniolo: This is getting to be nonsensical. The house never should have been put up there. It should be un-bolted, put on a truck and gotten the hell out of there and put something else that conforms to code. I am tired of hearing this.

Frank Demaio: That is twice.

Antonina Demaio: I understand that, and you're entitled to your opinion, but I think if you would give your recommendation that is all that they ask for to begin with. I would like to go back to the Zoning Board and have them decide and go forward with this.

Chairman Cosentino: Let me write this down. Is the porch in or out?

Ralph Vigliotti: It's in.

Antonina Demaio: I guess it's in.

Chairman Cosentino: I want to see a drawing from your architect. We agreed that the one parking space in the back comes out. The stairs are coming out. The turn-around is coming out; it's going to be all green.

Antonina Demaio: The porch will be where the turn-around is.

Chairman Cosentino: Yes, so there will no turn-around in front of the house.

Antonina Demaio: Right, so you have to back out.

Chairman Cosentino: Whatever you have to do to back out.

Antonina Demaio: According to the zoning code you cannot back out.

Whitney Singleton: Is the objective of your Board to modify certain aspects of this site plan so that it doesn't exceed the development coverage even if it means tweaking other aspects of the site?

Chairman Cosentino: That's right.

Whitney Singleton: May I suggest that I draft a resolution for the Board's consideration and endorsement that would incorporate the items that you just discussed. If the applicant disagrees with it, she can disagree with it and take it up with the ZBA. If she doesn't, she doesn't. But I think I heard Mr. Vigliotti clear and I'm trying to discern a little bit about what Vice Chairman Sturniolo said and that the goal here is to produce the impervious coverage back down to the permissible level.

Chairman Cosentino: Exactly.

Whitney Singleton: I will draft something for your Board's review and referral to the Zoning Board of Appeals.

Chairman Cosentino: With a porch on the front with a roof covering it, sort of early American with railings.

Antonina Demaio: Can we talk about covering it? There are windows in the front.

Chairman Cosentino: No. I don't think you can visualize what it's going to look like. It will look beautiful. It doesn't have to be the full length of the house. It can be a nice porch, spread it out a little bit with nice plantings on each side of it, so it looks like the front of the house.

Discussion followed regarding the door. Chairman Cosentino is insisting on a door and the applicant is insisting on no door.

Vice Chairman Sturniolo: This cannot go on, this negotiation.

Antonina Demaio: I agree there should not be a negotiation.

Chairman Cosentino: There will be a door, you can do what you want after the door is in.

Whitney Singleton: You make your recommendation and leave it at that.

Stanley Bernstein: There are three choices. The first choice is a porch in the front with a garage underneath. The second is to turn it into a

single-family house, and the third is to demolish it. Those are my recommendations.

Antonina Demaio: I would like for those to be in writing, please.

Chairman Cosentino: Counsel, please make the recommendations so she can do what she wants with that letter. It will not stop there. She will be back before us again.

Whitney Singleton: I will draft a letter for your Board to review an endorsement.

Chairman Cosentino: I've been around too long.

Antonina Demaio: I understand. Will I get the letter before, so that if we do decide to go forward with your recommendations we have that to put in front of the next Board?

Chairman Cosentino: I don't know what counsel will do with the letter. That is up to him.

Whitney Singleton: Your letter will be forwarded to the Zoning Board of Appeals and it will be a public document. She can agree, disagree, and do with it whatever she wants. The Zoning Board will be free to do what it wants with the recommendation including ignore it, modify it, dispense with it. It's up to them.

Chairman Cosentino: If they get a letter from us it will help.

Antonina Demaio: I appreciate it. I know I'm being a pain.

Vice Chairman Sturniolo: I would like to send a few talking points to Whitney to incorporate in this letter.

Chairman Cosentino: Do it now so it goes on the record.

Vice Chairman Sturniolo: I meant as an email.

Whitney Singleton: Just for clarification, your Board is either going to vote on something tonight that authorizes a letter or you're asking me to draft something and come back to you for your authorization.

Chairman Cosentino: I'm asking for you to draft something for me so this Board can re-evaluate, and if the Board approves of the letter, then you can send it to the Zoning Board of Appeals. It will be public knowledge and she can pick up the letter.

Whitney Singleton: I will not share anything with anybody until your Board authorizes it.

Antonina Demaio: Do you think that will get done for your next working session in two weeks?

Whitney Singleton: I will have a draft to you by that time.

Antonina Demaio: So I should be able to make it to the next Zoning Board meeting?

Chairman Cosentino: Yes.

Antonina Demaio: Can I do anything in the house in the meantime?

Chairman Cosentino: No. I have no control over that.

Frank Demaio: Thank you for your time.

Special Discussion:

Memorandum from Nanette Bourne, Village Planning Consultant and Susan Jainchill, RLA, AICP to the Mount Kisco Planning Board dated April 1, 2013 re Northern Westchester Hospital Center Landscaping Revisions/Substitutions – Review Memo

At this point, Karen Schleimer, Village Board member, joined the meeting.

Nanette Bourne: At the end of February, Anthony and I met with landscape people from Northern Westchester Hospital Center. They had requested several modifications to their landscaping plan. There is only one that is really significant. The majority of the landscaping changes that they want is to change one species for another. We do not really have an issue with the species. They want to do it for availability and size and reasons. We would like to see if they can't select another species, but what they are proposing is not consistent with their landscaping plan. I don't have an issue with it. It's akin to a field change. The second area they want to make a change in is as you approach the Emergency Department. You make that turn and there is an island. As they built that area out, the island diminished in size. The plantings they had proposed are too big for that island. They proposed plantings that were more in keeping with the size of the island. It is accurate that what they proposed just needs more space. It is probably imperceptible; the change in the size of the island, and it accomplishes what it is supposed to accomplish. The most significant change is when they were doing their site improvements. If you remember, towards the Boltis side, they proposed a hedge of trees to screen the parking structure from the residences on Boltis. As they were doing their geo-tech work, they ran into more ledge than they had expected. That area is not conducive to planting trees. They are proposing to take the same number of trees and instead of planting it on what is the hospital primary property, to plant the same number of trees to accomplish the same thing on property the hospital owns but is now occupied by single-families; which, in my opinion is fine as long as there is a guarantee that those trees would be kept in the event that the hospital were to sell off the single-family homes. Whoever buys them could take down those trees, and their purpose would no longer exist. If this is acceptable to you, I would recommend that they have a modification to their approved site plan to reflect this with an easement that requires that they keep and maintain those trees on the single-family home property.

Chairman Cosentino: I think it's better to put trees than not put trees.

The Board agreed.

Whitney Singleton: Is it one property or multiple properties?

Nanette Bourne: One property. One tree may be on another property.

Chairman Cosentino: Is that on St. Mark's Place?

Nanette Bourne: No, Boltis. There is a property on the corner and then when you go out towards the hospital there is another property. The majority of the trees would be on the property that is in from the corner property.

Whitney Singleton: Is it a lower elevation?

Nanette Bourne: I don't know.

Stanley Bernstein: Not those two houses.

Chairman Cosentino: It would even be lower if they planted them on the hospital property.

Nanette Bourne: The finished floor elevation of the parking structure is low, but those properties are higher.

Stanley Bernstein: You could have a Deed restriction that the trees cannot be removed. The only reason you would say that those trees would possibly be removed is because of our wonderful tree ordinance, which any resident in this town who asks to have a tree down, sick or un-sick, gets it down. In other words, "I don't like this tree in my front yard. I want to get rid of it." "Of course, go right ahead." That is the situation in this village. So, there is something to worry about because of the tree people we have right now. If you put it in the Deed, couldn't that protect the trees?

Nanette Bourne: I would defer to Whitney.

Whitney Singleton: Not necessarily.

Chairman Cosentino: It's lower where the trees are going to be put now. Where they were going to put them in the hospital would be higher.

Nanette Bourne: Actually, there is a slope that is in the back of the parking structure as it goes up to those properties on Boltis. They were supposed to go up that slope.

Whitney Singleton: If the trees come down, die, get hit by lightning, if somebody cuts them down with a chainsaw, the affirmative obligation needs to be not on the property owner, but on the hospital. It's not just a Deed restriction in a Deed. It's an affirmative obligation on the hospital to continue to maintain a property that they may no longer own.

Stanley Bernstein: As long as the Tree Committee keeps their hands out of it.

Nanette Bourne: The question is how you want this handled. They have a copy of this memo. They are not able to act on it.

??? Whitney Singleton: I would refer it to Whitney. We want the trees.

Nanette Bourne: Do you want to let them go ahead and at the next meeting we can formalize it? The only reason I say that is they are buying the product right now, and now is the time for them to do it.

Chairman Cosentino: I am not rushing on this. Let Whitney look at what they want, and protect the village.

Ralph Vigliotti: That should not take much.

Anthony Oliveri: The site plan is going to need to actually have an easement showing on the site plan.

Chairman Cosentino: I'm not rushing on this because they want to do something. We rushed enough for the hospital. It ends. Let Whitney look at that, we want to make sure the Village of Mount Kisco is protected on it, and then they can go ahead and do what they want to do. That's the end of the story.

Nanette Bourne: If I relate that to them, they may make it up to them – their risk to go ahead, and then at the next meeting if they have the easement in place, then we can make the adjustments then.

Chairman Cosentino: Whatever it is, I want the blessing of the village attorney to protect the village.

Ralph Vigliotti: Why aren't they staying with pear trees? Why the Ginkgo trees?

Nanette Bourne: Their landscape architect wanted different trees.

Anthony Oliveri: They discussed something about disease or blight on certain species.

Chairman Cosentino: What trees did it call for at first?

Nanette Bourne: Flowering pears.

Chairman Cosentino: Why can't we get flowering pears?

Nanette Bourne: They can go back to the flowering pears. They wanted to make a change.

Ralph Vigliotti: No. They bloom like all the other trees in the village, and this is the way the village has been going, with a nice early spring flowering tree and then the foliage takes place late spring. It's a nice look.

Nanette Bourne: And that is assuming they can get healthy ones.

Ralph Vigliotti: What is the type of tree that the village has going up and down Lexington Avenue and South Moger?

Karen Schleimer: The white ones by the train station?

Vice Chairman Sturniolo: Those are Bradford Pears, and they are the same trees that are in front of TJ Maxx.

Ralph Vigliotti: That seems to work very well in this village.

Anthony Oliveri: In the meeting there was some issue possibly with the pear trees. I believe the landscape architect from their office might have agreed with ours.

Nanette Bourne: It's an adaptivity issue. They felt that the Ginkgo was better for an urban area.

Ralph Vigliotti: Bradford Pears do very well in this village.

Vice Chairman Sturniolo: Ginkgo trees are very smelly.

Nanette Bourne: I don't think they are going to have a problem with you saying, "just stick with what you've got."

Special Discussion:

Memorandum from James M. Palmer, Village Manager to Chairman Rose and Members of the Zoning Board of Appeals dated February 14, 2013 re Proposed Zoning Text Amendment (Chapter 110-10)

This was on the agenda per Whitney Singleton's request.

Chairman Cosentino: We were asked to review this from the Village Board and comment back to them. Twice we have said we do not want the printing (the way it is presented). It is too difficult to read, so our Planning Board members suggested that everything be on a single page as you go along.

Stanley Bernstein: It doesn't work in the packet.

Chairman Cosentino: I have appointed Tony and Ralph to go through this and report back to us so we can report back to the village Board when we can get the printing on page-by-page.

Ralph Vigliotti: Legally, you would not accept a document like that to look at.

Chairman Cosentino: Why is it done like that?

Karen Schleimer: I have no idea why it's done like that.

Chairman Cosentino: How much paper can you save by doing it like that?

Ralph Vigliotti: It's not a matter of saving paper, it's just a matter of forgetting to do it again correctly.

Chairman Cosentino: We want to act on this to get it done.

Karen Schleimer: Maybe we can ask the Planning Board Secretary to have it re-copied.

Whitney Singleton: Ralph and Tony will review the draft that was referred to you, to the extent that Karen is a liaison for the Board. She can sit down with them and make some recommendations.

Karen Schleimer: That's great.

Correspondence:

- Proclamation: Mayors Day of Recognition Day
- New York Metropolitan Council Letter from New York City Environmental Protection to Mr. William R. Spade, AIA, LEED AP dated April 1, 2013 re Little Garden Child Care Center, 27 Radio Circle.

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 10:00 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm