

Minutes of the **Regular Meeting** of the Board of Trustees of the Village/Town of Mount Kisco held on **Monday, July 16, 2018 at 7:00 pm** in the Frank J. DiMicco Board Room, Village Hall, and 104 Main Street, Mount Kisco, New York.

Present: Mayor Gina Picinich  
Deputy Mayor Jean Farber  
Trustee Isidoro Albanese  
Trustee Peter Grunthal  
Trustee Karen Schleimer

Also Present: Whitney Singleton, Village Attorney

Absent: Edward W. Brancati, Village Manager

**Regular Village Board Meeting**

Mayor Picinich opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Mayor Picinich asked everyone to remain standing for a moment so that all of us at this table can always remember that to sit here is an honor and we do so by the will of the people and we are here to serve everyone of this community. Thank you.

**1) Communications:**

- a. Email from Bet Torah re: use of Shopper’s Park Area for short religious service.

Mayor Picinich read the email from Michelle Heller, Executive Director of Bet Torah requesting to use an area in Shopper’s Park for a short religious service during the High Holy days that must occur near a body of water for Monday, September 10, 2018 at 5:15 pm.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese authorizing this event to take place as outlined in their email of June 26, 2018; all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

- b. Email from Barbara Richards re: resignation from the Zoning Board of Appeals

Mayor Picinich read the email from Ms. Richards regarding her resignation from the Zoning Board of Appeals dated June 21, 2018. The Village Board accepted the resignation and requested that a letter of thanks be sent to Ms. Richards for her service to the community.

- c. Mount Kisco Volunteer Fire Department re: Touch-A-Truck Event.

Mayor Picinich read the letter from the Mount Kisco Volunteer Fire Department regarding their request to hold a Touch-A-Truck Event on Sunday, August 26, 2018 in the Shoppers Park Parking lot from 10 am to 2 pm.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese authorizing this event to take place as outlined in their letter dated June 28, 2018; all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**2) Petitions: None.**

**3) Board, Committee and Commission Reports:**

- a. Proposed monument at Leonard Park to recognize long-term volunteer service to the Village/Town of Mount Kisco.

Ms. Joanne Aquilino, Superintendent of Parks and Recreation along with Mr. Richard Gould, Chairman of the Leonard Park Committee presented the objective, location, and construction plans for the monument to recognize and honor selective long-term volunteer’s service to the Village/Town of Mount Kisco.

Mr. Gould, Chairman of the Leonard Park Committee stated that our proposal is to create a monument which would be located near the bridge on the way to the Tea House. It would have maximum exposure to the public and would be placed where people who have served the community as a volunteer would be recognized with a plaque. The process

would include an application that our committee would initially put together which would include name, address, and background information of the nominee. Most importantly, the applicant seeking to have an honoree recognized on this plaque would have to explain what the person has done. We came up with a number of minimum years of service, fifteen (15) years of service and a lack of any type of remuneration for the volunteer service provided. It has to be purely volunteer service. The Leonard Park Committee would review the application, decide whether or not the applicant should receive the recognition, and pass the recommendation on to the Village Board. The Village Board would have the final approval. The application must be accompanied by the signature of fifty (50) residents of the Village to show that there was support for the individual to receive this honor. Additionally, we came up with a \$50.00 non-refundable application fee which would be used to maintain the plaque over the course of the years so it will be self-sustaining. If the individual was approved for a plaque then the applicant would be expected to pay approximately \$225.00 for a plaque six (6) inches wide by two and a half (2 ½) inches tall with two (2) lines of lettering approximately thirty (30) characters. The Rotary Club of Mount Kisco has agreed to pay for the cost of the construction of the monument estimated to be \$2,500.00 and Architect Viktor Solarik has volunteered his services to design and construct the monument. As a result, this entire monument would be done without any cost to the Village. The committee felt this was a very good way to recognize those individuals who have committed themselves to serve the Village in a non-compensated capacity.

Deputy Mayor Farber thought it was an extremely well thought out process and a wonderful idea. She thanked the Leonard Park Committee for all their hard work on this matter.

Trustee Schleimer stated that some people volunteer because they can't donate, because they don't have the means. While I appreciate the fact that this is set-up so that the applicant would foot the bill for the application and the plaque. My concern is, if we are going to honor people maybe there is some other way we can find to pay for it, so that all people are created equal in terms of appreciating their service. I realize it's a cost, but that's what I would like to see if we could accomplish.

Mr. Gould replied I understand, but we chose what we felt was a minimal number for the cost.

Trustee Schleimer replied not for all people.

Mr. Gould replied the fact that there were fifty (50) people who would be supporting the application, they could donate the money for the application fee, I would hate to have this as a sticking point.

Trustee Schleimer replied yes, that would cover the cost of the application fee, but the plaque fee is still an issue. Again, I would hate to think that someone would not get recognized because they were part of a "Class" that really couldn't come up with the money.

Deputy Mayor Farber suggested adding the plaque fee to the Village's Budget, perhaps two (2) people a year or something like that.

Mr. Gould replied that the Leonard Park Committee didn't want to limit the number of applications per year. I would imagine in the first couple of years there will be quite a few applications. The Village Board could pay for it, but we really wanted to make the presentation so it wouldn't cost the Village anything.

Trustee Schleimer suggested making it voluntary. If people have the means they could pay and if not we will try to find a way to pay for it.

Trustee Grunthal stated when we put this thing together about three (3) years ago when then Conservation Advisory Council really wanted to recognize Mr. Stanley Bernstein who had put in decades of the most magnificent service in protecting the Village without any compensation. The previous Village Board felt that there were already some plaques in Leonard Park and just didn't want plaques proliferating on the trees and elsewhere in the park. So I got together with Mr. Gould and we looked at the possibilities of how this could be done without a proliferation. I personally am really opposed to any more structures in Leonard Park and so we wanted to do something which would recognize people and give residents of the Village the opportunity to recognize other people in a way that is not obstructive. This particular monument would be very similar to one that is already there. We don't want this to become a monument on which many people are recognized it should be for truly serious volunteer service. We really wanted there to be tremendous support for any individual who would be nominated for this recognition. That's why fifty (50) signatures and a fee is required because if it is being supported by some nominal amount of a financial obligation we thought it would be considered more seriously. For me, to have your name

up there is a great honor and these payments are to really ensure that people are committed to that particular person having their name up there for a long period of time.

Trustee Schleimer replied that she begged to differ. I think that if people have done fifteen (15) years of service and could get fifty (50) people to support their application the financial part of this should not be a barrier. I think there ought to be a way. Because fifteen (15) years is a long time and fifty (50) people is some real recognition of service and no one should be precluded because they can't come up with the money or it's a burden. There are plenty of people around this town that \$300 or \$400 is a real amount of money. I think it's the wrong barrier.

Mayor Picinich noted that if fifty (50) people sign a petition and they each give \$6.00 that will pay for this.

Mayor Picinich suggested that if for some reason there is a financial barrier then maybe there can be some evaluation of a scholarship. I think that the assumption should be that you can raise the money across a broad group of people is far less burdensome than a single check for \$250 from one individual.

Trustee Schleimer replied but if you are honoring someone, there shouldn't be a financial discussion. It should be an honor because you're honoring someone for what they've done. So people with money will get placed on the wall and people without money will say I'm not asking people for money for this. I think it's unnecessary and it's not the right standard.

Mayor Picinich replied that's fair to have that perspective and that view. I think that it is fine to be able to shift the burden financially on those who are making the nomination and then to be able to raise the money amongst the community. If we put in some opportunity for their to be consideration for a scholarship if needed, then that could potentially defray the cost and level the playing field if needed.

Deputy Mayor Farber replied that she would hate for money to be the final arbitrary reason. I would never want that to be the reason that someone could not be put on the plaque.

Trustee Schleimer stated I feel that we are now making a second class citizen and I'm uncomfortable with the whole idea. If you are honoring someone for their service you should just make a judgement to honor people for their service and find some way to pay for it.

Ms. Aquilino stated that we can put in the literature, as we have done in the past, that financial need should not prohibit someone from applying and that it would be dealt with on a case by case basis.

Trustee Grunthal replied that makes sense.

Trustee Albanese asked how many plaques are going to be on there in total.

Mr. Gould replied about sixty (60) plus or minus a few.

Trustee Albanese replied that the monument will fill up over time and I think that people will come up with ideas on how to raise the funds. I agree with Trustee Schleimer, the money in this cheapens the honor.

Deputy Mayor Farber replied, you don't want the money to be the issue, the honor is the issue. We'll find the money.

Trustee Grunthal stated with regards to the monument itself, I didn't think there should be another dedication plate describing the purpose of the monument, but I leave that open for discussion. I believe when the monument is placed in the anticipated location it will have a two (2) foot line radiating out from the trunk of the tree towards the bridge and it will disturb very few roots. I've spoken with the Tree Preservation Board as well as the Conservation Advisory Board and both have said the likelihood of the monument disturbing a tree along those lines is highly unlikely.

Trustee Schleimer asked if we could make a motion approving the first plaque to be placed on the monument, without the regular application procedure for Stanley Bernstein, who has been waiting for recognition for many years.

Trustee Grunthal stated that he had no objections to Stanley Bernstein being recognized.

Mr. Gould asked if the Board preferred leaving the dollar amounts in with the provision that someone can opt out if it's not affordable or eliminated altogether and just have the Board decide.

Mayor Picinich proposed that we have more conversation on this, but we need to vote on whether or not we want to have the monument. We should determine if we would like to do this and then we can finalize some of the details with reference to the finances around it, because then we would have to go back and determine where the money would come from. It is certainly not budgeted for this year. I know it is not a great expense, we just want to make sure that we are planning for it effectively, if we choose to pick-up the cost. So how about we focus on voting to approve this and then we will go back on the details of the finances at another point in time.

Trustee Schleimer replied that she would probably not vote for it if it's a question of being financed by the applicant. As much as I think it's a great idea, the finance part is very important to me.

The following motion was offered by Trustee Grunthal and seconded by Trustee Albanese to accept the proposal by the Leonard Park Committee subject to further discussion about the financing of individual applications.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	NAY

Trustee Schleimer stated that she is voting NAY on this because the financial piece is very important to her. I think it's important that all volunteers be recognized for their service and not for any financial consideration.

First Plaque on Monument for Stanley Bernstein.

The following motion was offered by Trustee Grunthal and seconded by Deputy Mayor Farber that the first person to be recognized on this monument, without further application or fee shall be for Mr. Stanley Bernstein, formerly of the Conservation Advisory Council and the Planning Board, with the cost for the plaque to be shared by Trustee Grunthal and Trustee Albanese, all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**4) Village Manager's Reports: None.**

**5) Board Reports:**

Trustee Grunthal reported that on Saturday there was the opening of a new hiking trail in Mount Kisco which the Historical Society and Conservation Advisory Council have been working on for a long time, along with the help of Joe Luppino and Ed Brancati. Trustee Grunthal read the following note from Conservation Advisory Council Chairman John Rhodes. *The Grand Re-Opening of the Peninsula Wetlands trail on Saturday was a big success with nearly 100 participants of all ages including some canine friends. More than 40 varieties of wild flowers were identified along with a variety of birds, turtles, and other fauna. Special thanks to Harry McCartney and the entire Trail Team including, Jim Gmelin, Brian Liebman, Ruth Moy, Mike Kirsh, Linda McCartney, John Rhodes, Ralph Vigliotti, Hans Elsevier, and many more. Special thanks to our DPW who provided the woodchips and did some of the heavy lifting and to all of the members of the CAC and the Historical Society for their unflinching support and encouragement of this beautifully important project.*

Deputy Mayor Farber welcomed everyone to the hot and hazy days of summer, but things in Mount Kisco are really hopping. First, we just enjoyed this past Friday, July 13<sup>th</sup> the Annual Mount Kisco Volunteer Fire Fighters Parade. Volunteer Fire Departments from across the county and Connecticut all joined forces with a spectacular parade down Main Street displaying gleaming fire trucks and equipment for all to admire. The members of the Village Board of Trustees got a chance to perform our annual inspection of each fire house, all of which passed with flying colors. After the parade there is always a lot of food and fun well into the evening. We cannot thank our Volunteer Firemen, our Fire Police and

Ambulance Corps enough for all of the services that you perform in our Village. Thank you again.

The Mount Kisco Historical Society along with the Conservation Advisory Council and Tree Preservation Board gave us an amazing Village trail to walk and enjoy. The Mount Kisco Peninsula Wetlands Trail was open with great fanfare. I cannot stress enough how awesome it is to walk off Lieto Drive into a natural habitat of wild flowers, blue herons, turtles, and red tail hawks. The welcome tent was up from 9am to 4pm to provide guided walks and a history lesson of the New York City Water System and how it's had its impact right here in Mount Kisco. If you missed going on Saturday there will be guides on Tuesday, July 17<sup>th</sup> and Thursday, July 19<sup>th</sup> from 5pm to 8 pm. All you have to do is park your car across from the Justice Court Parking Lot and look for this bright red tent off of Lieto Drive, you can't miss it. It is so well worth it.

Our summer here in Mount Kisco is totally filled with music, and it's free music. The Mount Kisco Arts Council continues its first ever summer concert series on Wednesday's at Fountain Park. Our next performance will be on July 25<sup>th</sup> with Dan Blake & The Digging and finally on August 8<sup>th</sup> Libertine Project will be performing. If you missed these concerts please tune into our local cable channels which are also airing these performances from start to finish. We also have fantastic music throughout the summer on Thursdays at Leonard Parking beginning at 7:00 pm. Last Thursday, July 12<sup>th</sup> In the Mix rocked the park with a great mix of music for young and old. This coming Thursday, July 19<sup>th</sup> please do not miss One Stop Pony Band. On July 26<sup>th</sup> Billy & the Showmen perform and on August 2<sup>nd</sup> the Sun Kings will be performing which is a musical tribute to the Beatles. Again all of these concerts are FREE!

Sunday, July 22<sup>nd</sup> at 10:00 am the Lions Club will be sponsoring Down Town Thunder. It's a charity motorcycle ride benefiting the Guiding Eyes for the Blind. The ride begins behind Village Hall with a police escort that takes them all through the Hudson Valley and at the end of the ride there will be an all you can eat BBQ, music, and raffles. The Lions Club raises a lot of money for this really wonderful cause.

Finally, I want to mention that the Italian American Club has several ambitious and exciting programs planned in the next few weeks. On Sunday, July 29<sup>th</sup> at 2:00pm the first summer multi-cultural festival is planned with a Sicilian Folk Group and the Legato Latino Club. Please contact Filippo Simone for tickets or more information. Also on Saturday, August 4<sup>th</sup>, the Italian American Club continues the summer festival behind Village Hall with its annual car show from 9am to 6pm. There will be music, food, vendors and fun. Please come down and join the fun and all of these things are free. Enjoy the summer and stay cool.

Trustee Schleimer noted that the concerts at Fountain Park have been amazing, you get to see your neighbors and friends. You just sit and enjoy the music. Thank you Recreation Commission, Leonard Park Committee, and Arts Council for doing such a fabulous job.

Trustee Schleimer stated that she also went on the walk in the peninsula before the grand opening and it is amazing. For people who are not sure that they can make it it's a very short walk only about 20 minutes. I had no problem walking the trail, its pretty level and very easy walking and you would not believe what is in the middle of downtown Mount Kisco. It truly is a treasure. It's an in and out easy trail and I would encourage everyone to go and see it.

Trustee Schleimer announced that the knitters at the Fox Senior Center are in the process of adopting the Northern Westchester Breast Institute and they will be providing Knitted Knocker Breast prosthetics. Apparently, there is a website that will teach you how to make, with patterns, prosthetics for people who have had a mastectomy and our Fox Senior Center Knitters are doing this wonderful work. If you have time and energy and would like to join in, please contact the Fox Center.

Trustee Schleimer announced that the Westchester County Board of Legislators has recently introduced legislation for Co-ops that would require Co-op Boards within 10 days of receipt of a purchaser's application to acknowledge the application and then within 45 days of receipt of the application would be required to make a decision as to whether people were accepted or rejected. The Co-op board will also need to provide the reason for the rejection. I have submitted written comments because I'm a Real Estate Lawyer in my other life and I feel pretty strongly about this. I have copies of the legislation if anybody would like to see it. I think there will be another public hearing and I will submit your comments, if anyone is interested in forwarding their comments to me.

Trustee Albanese stated that there is a lot going on in Mount Kisco and the thing for you guys to do is stay connected to our website and Facebook page. As Deputy Mayor Farber previously mentioned all of these concerts in Leonard Park and Fountain Park are free, so please participate. The Historical Society hiking trails off of Lieto Drive are brand new. I've posted some photos from my walk on the trail on my Facebook page, if you'd like to take a look. Please support our local restaurants and our shops in Mount Kisco. It's so important for all of us to get involved in our community and most importantly keep the Mount Kisco pride and the growth, because we can all make a difference.

Mayor Picinich announced that the Village's paving project is currently underway as we are paving East Ridge Lane, Byram Lake Road, Legion Way, the Dakin Parking Lot, Allen Lane, Quaker Hill Lane, North Moger Avenue, Rutland Street, and Grandview Drive (south of Forest Drive). All of the paving projects are happening now. We are making a substantial investment to ensure that we continue to maintain our roads. We've evaluated the entire roadway system in the Village and we've set an order of priorities over a few years period of time to make sure that we can get to everyone.

We were very fortunate to have received a \$10,000 grant at our Library. Senator Terrance Murphy stopped by this morning at the Library to drop off the check that our librarians had requested for an Early Literacy Station in the library. These stations are for young patrons ages 2 to 8. These stations provide more than 4,000 localized learning activities and include bi-lingual education, integration, and blended learning for early childhood education. It also includes STEM-activities, early story activities, and a variety of other things. So we thank our Library Staff, particularly Library Director Katherine Feely, for identifying this need and of course, we thank Senator Terrance Murphy for helping us get the funding to provide this Early Literacy Station.

I would also like to remind everyone that there are tremendous activities going on at our Library and there is still time for students to register for the summer reading program. There are lots of activities surrounding that and I'd encourage folks to participate.

**6) Old Business:**

- a. Action on the Full Environmental Assessment Form for Local Law #5-2018 Zoning Code Amendments to the Research and Development District (RD), Light Manufacturing District (ML), Supplemental Use Regulations and the Zoning Definitions to permit, regulate and define Full Service Grocery Stores and Family Recreational Facilities.

The following motion was offered by Trustee Albanese and seconded by Trustee Grunthal to accept the Full Environmental Assessment Form as drafted by our Planner and adopt the negative declaration finding that the proposed action will not have any significant environmental impacts.

On the question:

Trustee Schleimer stated that she didn't feel comfortable because "A" I don't think the Village Board has ever been Lead Agency before and I'm not sure that we're well defined enough in terms of what will actually go into either of these zoning areas and I need more help with this. I just don't understand enough of what I'm approving to feel comfortable that it's ok.

Village Attorney Singleton replied that the proposed action that the Board will be taking is a rezoning to alter the permitted uses allowed in two (2) zones. The permitted uses that will be in the RD and ML districts will be Family Recreational uses in those zones by special permit. Additionally, the ML zone will allow for full service grocery stores to help keep grocery stores in the community. The other zoning provisions that are in here are simply to facilitate these actions. It is the provisions of supplemental use regulations for the special permit that would govern what can be done and what cannot be done in conjunction with either of those uses, but also what conditions and criteria they would have to satisfy. It also defines those terms within 110-59 of the code which is the definition section. The modifications that we are talking about were not slapped together at the last second, we've had at least five (5) public hearings on this matter and in connection with those public hearings a number of changes were made to reflect comments from the public and concerned boards. This was also referred to the Westchester County Planning Board and to the Town of Bedford. So what you have before you now is essentially a tweaking of that zoning for the ML and RD and associated regulations. This is something that the Board wanted to address in advance of the Comprehensive Development Plan Update. Your Planning Consultant has drafted a full EAF setting forth the Village Board as the project sponsor, the potential impacts associated with this project, and if the Board wishes to adopt the resolution for a negative declaration, that there are no adverse impacts. All of which are in the Board's purview and then we would move on to the resolution of approval for the local law.

Trustee Schleimer stated the question is are there any other environmental assessments that need to be done with this specific use or once this is approved is that it for Family Entertainment and a Supermarket.

Mr. Singleton replied the Planning Board will review the application and they will have the criteria set forth in the legislation that you are adopting. In addition, in Section 110-46 the Planning Board has the inherent jurisdiction to evaluate whether there is any adverse impacts associated with special permit uses. The Planning Board has specific criteria and they are given a general charge to protect the health, safety, and welfare of the community in reviewing the application.

Trustee Schleimer stated by approving the Environmental Assessment Form are we saying that there is no negative impact in terms of traffic, lighting, and all of those other things.

Mr. Singleton replied what you are saying is that the action that you are proposing is not likely to have any adverse impacts and the action that you are proposing is not a grocery store. The action that you are proposing is the zoning change that would permit a grocery store, which would still have to be evaluated as a special permit through our planning process.

Trustee Schleimer stated I appreciate that it has to go through the planning process, but at what point do I exhibit my concerns with traffic, with the proposed zoning change. Do I do it at this point with this proposed environmental assessment form? Because I obviously I have serious concerns about that to vote no and not approve this Full Environmental Assessment Form.

Mayor Picinich replied I don't think anyone can advise you on how to vote.

Trustee Schleimer replied, what I'm just saying is this an appropriate place for me to force that.

Mr. Singleton replied the question is whether or not you deem there to be adverse impacts associated with this proposed action.

Trustee Grunthal replied that in the proposed local law before us it does address the question of traffic which will also be reviewed by the Planning Board. So it's not just giving carte blanche to any kind of traffic.

Mayor Picinich noted that everyone has had this document since the public hearing was opened, so this is not the first time we are seeing this.

Deputy Mayor Farber stated that we have been advised by our Planner and everyone else that there is no negative impact.

Mr. Singleton replied this is the Village Board's determination. The Planner has evaluated it, the Planning Board has evaluated it, and the County has evaluated it. You have referred it to various people for their input, but ultimately this is local zoning and it is your purview to determine. Nobody has expressed any objection with regard to traffic as far as those agencies are concerned.

Deputy Mayor Farber replied that members of the public have expressed their concerns regarding traffic.

Mr. Singleton noted that the Planning Board did express some concerns relative to the existing traffic patterns.

Trustee Grunthal stated that in the letter from the Planning Board they expressed satisfaction at the proposed approaches to dealing with the traffic in that ML area.

Mayor Picinich noted that the Planning Board did not express that the concern about traffic should stop this process or would preclude us from permitting these uses in this zone.

On the vote:

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	NAY

b. Local Law Authorizing Amendments of Certain Zoning Provision within Section 110-23 RD Research and Development District, Section 110-24 ML Light Manufacturing District, Section 110-30 Supplementary use Regulations, and Section 110-59 Definitions

The following resolution was offered by Trustee Grunthal and seconded by Trustee Albanese:

WHEREAS, the Board of Trustees has been considering zoning text amendments to the Zoning Code (Chapter 110) which would, if adopted: a) provide for "Family Recreation Facilities" within the Research and Development (RD-Section 110-2) and Light Manufacturing (ML-Section 110-24) Zoning Districts by Special Use Permit; b) provide for

"Full-Service Grocery Stores" with the ML (Section 110-24) Zones by Special Use Permit; c) amend Section 110-59, Definitions, to define applicable terms associated with the proposed text amendments; d) amend the Supplementary Use Regulations (Section 110-30) to provide specific regulations pertaining to "Family Recreation Facilities", "Full-Service Grocery Stores" and fuel pump canopies;

WHEREAS, the ML Zone consists of +/-30 acres and consumes one parcel located between NYS Route 117 and the MTA Metro-North railroad. The ML Zone contains a +/- 611,000 s.f. multi-use commercial building, recreational fields and a parking lot for +/-805 vehicles. While the building is located entirely within Mount Kisco, one of the two access roads and a portion of the parking lot is located within the Town of Bedford;

WHEREAS, the RD Zone consists of +/-21 acres and +/-18 parcels located on Radio Circle Drive and/or Morgan Drive. Approximately 13 of the 18 parcels within the RD Zone are presently developed with a variety of office, warehouse, light industrial uses and recreation/sporting facilities.

WHEREAS, Gasoline Stations are allowed within the GR and CL Zones and there are presently five gasoline stations within the Village, four of which have canopies.

WHEREAS, the proposed action constitutes a Type 1 action under the State Environmental Quality Review Act in that it contemplates the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district [6 NYCRR 617.4(b)(2)];

WHEREAS, the Board of Trustees, as Lead Agency, prepared a Full Environmental Assessment Form in connection with this proposed Local Law;

WHEREAS, pursuant to the mandates of General Municipal Law §239, Village Law §7-722, Environmental Conservation Law, 6 NYCRR Part 617 State Environmental Quality Review (SEQR), and the Code of the Village/Town of Mount Kisco, appropriate referrals were made to all involved agencies and interested agencies, including Westchester County Planning, the Town of Bedford, and the Mount Kisco Planning Board;

WHEREAS, responses have been received which either support the recommendation or determine it to be a matter of local concern;

WHEREAS, multiple public hearings were conducted at length, as well as workshops, where members of the public had an opportunity to voice their views, concerns and support for the proposal;

WHEREAS, public hearings were held on April 2, 2018, April 16, 2018, April 23, 2018, May 7, 2018, May 21, 2018 and closed on May 21, 2018;

WHEREAS, the Board of Trustees has had an opportunity to weigh the various facts, circumstances, market demands and other considerations associated with zoning text proposal, and the evolving nature of retail, services, functions and within the non-residential zoning districts in the age of internet commerce;

WHEREAS, the Board of Trustees has also had an opportunity to confer with its counsel, engineer, planner, planning board members, as well as consult with NYS Department of Transportation officials in connection with this proposal

WHEREAS, the Board of Trustees has determined that it is prudent for the Village to move forward with this proposal as being consistent with the demands of the Village residents, the surrounding only on such terms and conditions as are be protective of the Village's interests, represent fair and adequate consideration for the taxpayers and safeguard the residents' welfare;

WHEREAS, in connection with the Full Environmental Assessment Form, the Board of Trustees as lead agency has issued a negative declaration determining that the implementation of the action as proposed will not result in any significant adverse environmental impacts.

NOW, THEREFORE, be it:

RESOLVED, that the Village Board hereby adopts the proposed zoning text changes to Sections 110-23, 24, 30 and 59, and directs the Village Attorney and/or Village Manager to file the Local Law reflecting same with the Secretary of State and this local law shall take effect upon such filing.

FURTHER RESOLVED, that the action as proposed is deemed consistent with the Comprehensive Plan, but should it be determined by a court of competent jurisdiction to the contrary, this resolution shall be deemed to be an amendment to such Plan.

FURTHER RESOLVED, that the Village Manager and/or Village Planner are directed to file the negative declaration in the Office of the Village Manager and Environmental Notice Bulletin (ENB) and also file, publish, maintain, send such negative declaration as is otherwise required by law pursuant to 6 NYCRR 617.12(b) and 617.12(c).

The above resolution constitutes the determination of the Board of Trustees for the Village/Town of Mount Kisco. This document was duly adopted on the 16<sup>th</sup> day of July 2018 and shall constitute the Resolution of the Board of Trustees.

On the question:

Trustee Schleimer stated since the initial public hearing we've made several changes to the text, would it be appropriate or required to send the revisions to Bedford, the County, and the Planning Board or are the actions we've taken sufficient.

Mr. Singleton replied the actions that we've taken are sufficient. During the public hearing process there was a lot of focus on definitions which the Village Board addressed with the input from the Planning Board and the public.

Trustee Schleimer stated that while the actual law will remove the listing of the ice skating rink and the other, the actual language lists all of these possible uses as including, but not limited to. So the fact that they are not listed does not in fact preclude them.

Mr. Singleton replied if they have adverse impacts the Planning Board could and should evaluate those and if appropriate either mitigate or reject the application.

Trustee Schleimer replied I guess the proper approach would be to say that they are not precluded, by virtue of the fact that they are not listed in the zoning text.

Trustee Schleimer stated that she had prepared a full statement and a shorter statement because it would be terribly miserable for me to stand up and read three (3) pages, so I will ask that my full statement be submitted as part of the record and attached to the minutes.

Trustee Schleimer read the following statement into the record.

Since the introduction of this proposed legislation I have implored this Board to consider these two (2) proposed zoning changes as separate requests. The first being approval of a zoning change with respect to a use to permit a supermarket (Shoprite) in the ML zone and the second which would permit Family Recreation Facilities as part of the ML and RD zones.

Members of the public have spoken out and raised questions with respect to congestion and traffic, lights, and noise among other things. There have been discussions concerning camp programs and after-school programs.

The Planning Board, in its letter, dated June 13<sup>th</sup>, 2018, addressed to the Mayor and the Village Board states: "Any and all changes that the Planning Board has reviewed... should be further referred and critiqued by the comprehensive plan committee during the course of its updating the master plan."

I will note, to be transparent, in their letter they said their comments should not stop this proposal from going through, but they did have concerns.

The Planning Board further states that "Notwithstanding our endorsement of the proposed changes to the permitted uses... the Planning Board obviously maintains some concerns as to the overall level of traffic... as this project **will clearly add to an existing overburdened traffic corridor** [emphasis added]."

As to the definition of Family Recreation Facilities, the Planning Board comments: "Definition: It seems that the definition is so expansive that the usage could be deemed to include uses that may not be as desirable or innocuous as the existing uses... further consideration of the parameters might be warranted (size limitations, nature of use, etc.)" My position is and has been since the introduction of this proposal that including a new use, that is unlike anything currently available in our community, i.e., Family Recreation Facilities, without time to examine and look at what the effect of this use would be in this area would be premature. It may turn out that the proposed uses are something that our residents would be delighted to have and it may turn out to be the best thing that could happen to Mount Kisco. My concern is only that we do the proper evaluation and study and do it right.

I would also like to submit more extensive written comments which should be made a part of the record of this meeting.

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Trustee Schleimer's additional comments are as followed:  
STATEMENT REGARDING REZONING OF RD (Section 110-23) AND ML (Section 110-24)  
Districts' Permitted Uses, Supplementary Use Regulations (Section 110-30) and Zoning  
Definitions (Section 110-59)

July 16<sup>th</sup>, 2018

In an effort to share information with our residents, I would like to share some background information.

First, to the best of my knowledge, there has been no formal application for a rezoning of the property known as 333 North Bedford Road other than a letter, dated November 8th, 2017 from Mr. Jim Diamond which requests the Village Board to:

"consider adding to the list of principally permitted uses...the following:

"Stores and shops for the conduct of retail business, not to exceed 80,000 square feet of gross floor area, on lots of 1,000,000 square feet or greater."

"Amusement/Recreation Facility, on lots of 1,000,000 square feet or greater."

He further states that "...our zoning does not currently include a general 'retail business' category that would include a supermarket **which is our focus right now** [emphasis added]."<sup>2</sup>

These are the only two (2) changes requested and in fact his proposed revision of Section 110-24 asks for specifically **only** those changes as added subparagraphs 110-24 B. (1) (k) and (l).

We have been provided with information that the Shoprite store currently located in Bedford Hills seeks to relocate to 333 North Bedford Road. Presentations have been made to the Village Board and the public with respect to that zoning request to permit a supermarket in that zone. Discussions have been had with respect to ingress and egress, loading, parking and traffic. I am not aware of any particular time frame for this move or for the realigning of the intersections which would permit a smoother flow of traffic from and to the site. With respect to rezoning the property to permit the inclusion of Family Recreation Facilities at 333, the property owner has spoken of a curling facility and one other use. I am not aware that the owner has specifically requested outdoor use of the property. The proposed legislation, the version of which I received on July 9<sup>th</sup>, 2018 speaks to "...family-oriented recreation and leisure-time activities...including but not limited to: bowling, go cart, slot-car racing, amusement devices, miniature golf, sports/batting cages, ice skating and roller rink operations, laser tag, climbing walls, trampolines, ropes courses, arts and crafts activities, games of deduction (treasure hunts, escape the room, etc.) and other activities designed and available to the whole family." It does exclude the "discharge of firearms". I draw your attention to the wording: "including but not limited to" which may open the door for indoor water parks and other uses not listed that are too numerous to mention. It also permits outdoor use "...restricted to athletic and sports related activities..." and does limit hours of use and amplified music. I am not sure what "athletic and sports related activities" are.

There is a provision for a cabaret license in conjunction with such use, but not "...an adult entertainment cabaret license..." Is this appropriate for a Family Recreation Facility? Since the introduction of this proposed legislation I have implored this Board to consider these two (2) proposed zoning changes as separate requests. The first being approval of a zoning change with respect to a use to permit a supermarket (Shoprite) in the ML zone and the second which would permit Family Recreation Facilities as part of the ML and RD zones. Members of the public have spoken out and raised questions with respect to congestion and traffic, lights, and noise among other things. There have been discussions concerning camp programs and after-school programs.

The Planning Board, in its letter, dated June 13<sup>th</sup>, 2018, addressed to the Mayor and the Village Board states: "Any and all changes that the Planning Board has reviewed... should be further referred and critiqued by the comprehensive plan committee during the course of its updating the master plan.

The Planning Board further states that "[Notwithstanding our endorsement of the proposed changes to the permitted uses... the Planning Board obviously maintains some concerns as to the overall level of traffic... as this project **will clearly add to an existing overburdened traffic corridor** [emphasis added]."

As to the definition of Family Recreation Facilities, the Planning Board comments: "Definition: It seems that the definition is so expansive that the usage could be deemed to include uses that may not be as desirable or innocuous as the existing uses... further consideration of the parameters might be warranted (size limitations, nature of use, etc.)." My position is and has been since the introduction of this proposal that including a new use, that is unlike anything currently available in our community, i.e., Family Recreation Facilities, without time to examine and look at what the effect of this use would be in this area would be premature. It may turn out that the proposed uses are something that our residents would be delighted to have and it may turn out to be the best thing that could happen to Mount Kisco. My concern is only that we do the proper evaluation and study and do it right.

My recommendation has been to approve language that would allow for the inclusion of the supermarket and put aside the request for Family Recreation until it can be considered by the Comprehensive Plan Committee and further discussed with the applicant to determine what the applicant is really hoping to do and deal with the issues raised by the Planning Board.

The majority view of Village Board has been to suggest that the Village Board approve these changes at this time and that the Planning Board will take care of the details such as parking, traffic studies, etc. It seems to me that this puts too much on our Planning Board. I believe that the Village Board needs to anticipate the needs of the Village and be sensitive to the concerns of our residents particularly in terms of traffic, roads, noise, light, and basic services before the Board makes what could be a change that potentially may affect life in a large part of the Village, maybe forever, and make sure that our quality of life is maintained and hopefully enhanced for all of our residents.

Respectfully submitted,  
Karen B. Schleimer, Village Trustee

Trustee Grunthal stated that he too was very concerned about the outdoor recreational facilities being added here. We agreed that the recreational facilities that exist at the present time generally relate to athletics and sports and that is what we want to continue, we do not want to go to a carnival atmosphere. So what we have in these zoning

changes is a couple of provisions which are that outdoor facilities will be limited from dawn to dusk, that there will be no amplified music or other amplified sound systems, and that there will be no lighting other than that required by statute. We also have a provision in here that no such facility can be adjoining a residential property. So I think we have taken very substantial steps to make it clear to any applicant and the Planning Board that there are major constraints around what kind of outdoor recreation facilities we can have and for that reason I am very happy to go ahead with this and encourage some of these uses. I was also concerned, as we all were about the traffic at 333 North Bedford Road, but the proposal that we have in front of us suggests a substantial realigning of a number of roads and substantial adjustments by the New York State Department of Transportation to the timing of the traffic lights there. All of that has convinced me that the traffic will in fact be a lot better when we have handled and completely changed the nature of those intersections. They have also dealt with the parking ratio within the text. So I think we have looked at this very carefully and thoroughly over a long period of time and I'm very happy to go ahead with this all at once.

Deputy Mayor Farber stated that we have all worked really hard on this local law to amend the zoning code. I give Mayor Picinich and my fellow Trustees a lot of credit for trying to reach out to as many people as possible to discuss this and explain this amendment. I am very pleased about the response from the NYS DOT in supporting the new traffic patterns which will be required along with the brand new pedestrian crossings. The new crosswalks will be a terrific asset particularly for those living in Brookside and Foxwood. Amending the Zoning Code only allows for the possibility of a new ShopRite and other recreational possibilities, nothing is a slam dunk here. Every single use must go through the Planning Board, the Building Department, traffic studies along with multiple layers of protection. We are only allowing for the possibilities of a stronger and more vibrant Mount Kisco.

Trustee Albanese stated that he believed that it would be a win-win for the Town along with Diamond Properties. They are going to be spending millions of dollars in order to realign the intersections. They've bought adjacent properties. They are going to move things in order to make something like this happen. We've talked to the community, we've taken all of the concerns, we've made changes, and I think at this time we are ready to move forward to the possibilities. If you look back they can do all of these things under the Family Entertainment as a membership club. So now we are doing it correctly and opening up the possibilities for what can come into our Town and everything that is going on in our area is to make things better. To make an experience for people and this is exactly where the whole world is going. I just think it's a win-win situation and we should move forward.

Mayor Picinich stated although at different points in time this might have been a frustrating process, it's actually been quite wonderful for myself. We had a property owner who's willing to invest in making changes to a property that they own, so that they can continue to keep that occupied. We've had five (5) public hearings in which folks in residential neighborhoods have worked very hard to get our attention. I really appreciated their persistence and continued efforts to ensure that we were hearing what they had to say. This has been four (4) months in the making and some of the greatest concerns dealt with light and noise pollution which I believe we have addressed by breaking family recreation, into two (2) pieces from indoor and outdoor. We've written the code to structure outdoor recreation in a way to minimize those pollutants which would negatively impact residents. The other great concern was traffic congestion which is awful on North Bedford Road, particularly between the southern and northern entrances to 333 North Bedford Road and that coincides with the area where the entrances to Brookside and Foxwood are located. We did have the opportunity last week to meet with the New York State Department of Transportation (NYSDOT) in order to share with them the changes which will align the lights at the entrance and exits and make for smoother entry into the roadway, not only from 333 but also for the residential communities on the other side of the road. The NYSDOT indicated that by going from a four (4) phase light to a two (2) phase light and this is a direct quote "it would clear it all up." They had great confidence in the fact that that would allow for a far smoother flow on North Bedford Road. In addition, they indicated that the light by the southern entrance could coordinate with the light at the northern entrance. One of the biggest challenges for folks that are exiting Foxwood is trying to make a left, they can't do so because the traffic is backed up. When the traffic lights can talk to each other and allow for the flow of traffic on the southern end, that will permit them to enter into the traffic because there will be room for them to do that. The other thing that was very important for residents was the walkability and by putting in these two (2) phase lights and aligning these entrances and exits they'll actually be able to utilize crosswalks, so the folks won't have to stay on the side of the road that they are currently on. I also want to point out that we have spoken with BFJ our Comprehensive Development Planning Consultants and they have indicated as procedure that they do not comment on changes in process, but once this is adopted as part of our zoning they absolutely will be evaluating it and taking a look at this amendment. If something needs to be changed or

modified we can certainly do that as part of the planning process. I want to thank everyone who's invested a tremendous amount of time in making sure that we've heard what you've had to say. I truly believe that we've all worked very hard to incorporate everyone's needs and concerns. Again, we are permitting the opportunity for full service grocery and family recreation to be considered as uses through a special permit process.

On the vote:

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	NAY

Mayor Picinich thanked Village Attorney Whitney Singleton along with Planner Jon Johannessen for all of their hard work in getting this done, its greatly appreciated.

b. Bid Results for Contract #: 2018-05 - Roof Repairs for the Department of Public Works.

Mayor Picinich stated that we had a bid opening a couple of weeks ago and we had a concern because we had only received one (1) bid response. So we needed to go back and do some due diligence to try and gain some confidence that the bid that we had received was a fair price.

Deputy Mayor Farber replied that she did make a few telephone calls to roofing companies regarding this bid and she felt that the bid was still high, but this is what it is.

Mayor Picinich stated that we have received recommendations that a fair price would be between \$20.00 to \$30.00 per square foot, and this is coming in at \$27.00 per square foot for the roofing job and \$8.50 per square foot for the asbestos removal.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer to award Contract#: 2018-05 - Roof Replacement Bid for the Department of Public Works Garage to Steve Giordano Builders, Inc. in the amount of \$254,500.00; all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**7) New Business:**

a. Bid Results on contract #2018-06 NYS Rt. 117 Water Distribution Upgrade.

Mayor Picinich stated that this contract was for the infrastructure repairs on North Bedford Road, we are replacing an asbestos pipe and in order to do to that we need to have access to the other side of the road. The new pipe would actually go under the sidewalk on the east side of the road, but we have to drill lateral sleeves in order to get service to the opposite side of the road. It's important that we get this done by October, because right now North Bedford Road is all chopped up from recent Con Edison work. Con Edison is going to repave the road, if we don't get it done by October they are doing it anyway and then we will have to cut up the road. The challenge for us is that no one bid on the project. So we had a meeting on Friday about this and there seems to be a couple of barriers to entry, which we are working on. There is nothing for the Village Board to vote on at this time, we are re-bidding the contact by implementing other solutions and expecting that we will get some responses. The new bid opening date is scheduled for Monday, July 30, 2018. The big challenge is if we don't get any bids the project will increase by \$2.5 million dollars for paving. So splitting up the bids is very important.

b. Draft Scope of issues to be addressed in the EIS for the Comprehensive Development and Zoning Amendments.

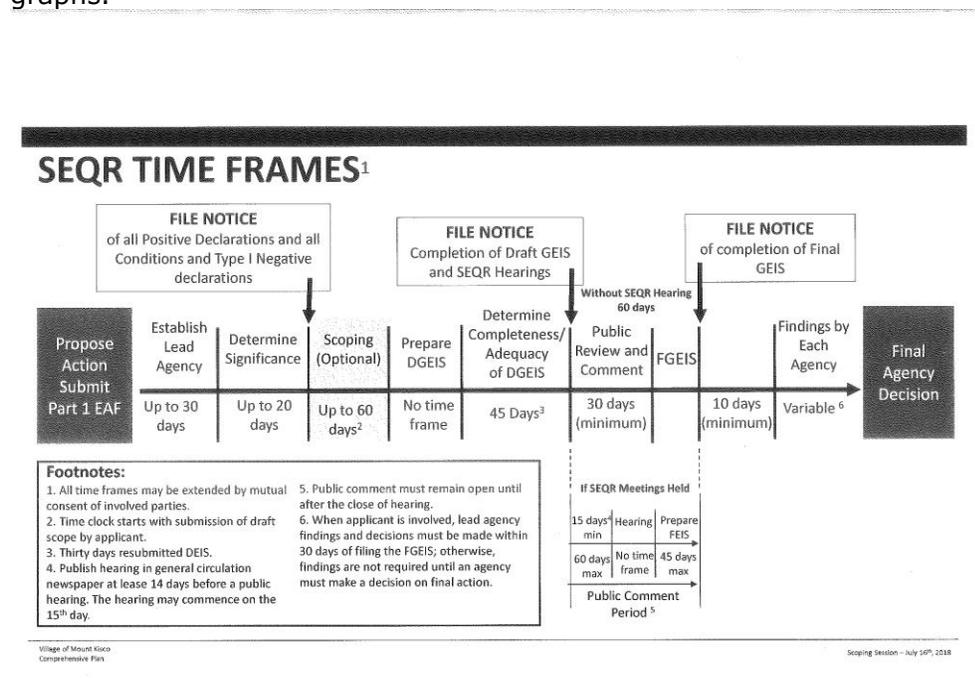
Mayor Picinich stated as part of our Comprehensive Planning Process we are doing an Environmental Impact Study (EIS) as part of the Comprehensive Plan and Zoning Code Update that will ultimately result from this effort. The scoping document addresses what we are going to look at in the EIS.

Mr. Frank Fish of BFJ Planning stated that the Board has all received the scoping documents tonight along with a copy of the slides and also a copy of the overlay district which has been worked on for the downtown. We have a working draft which we are sending to the Comprehensive Plan Committee, they are meeting next week which will be their wrap up meeting on their agenda. They will then be in the position to make any changes and we'll get that draft to you, so you'll have a draft comprehensive plan also.

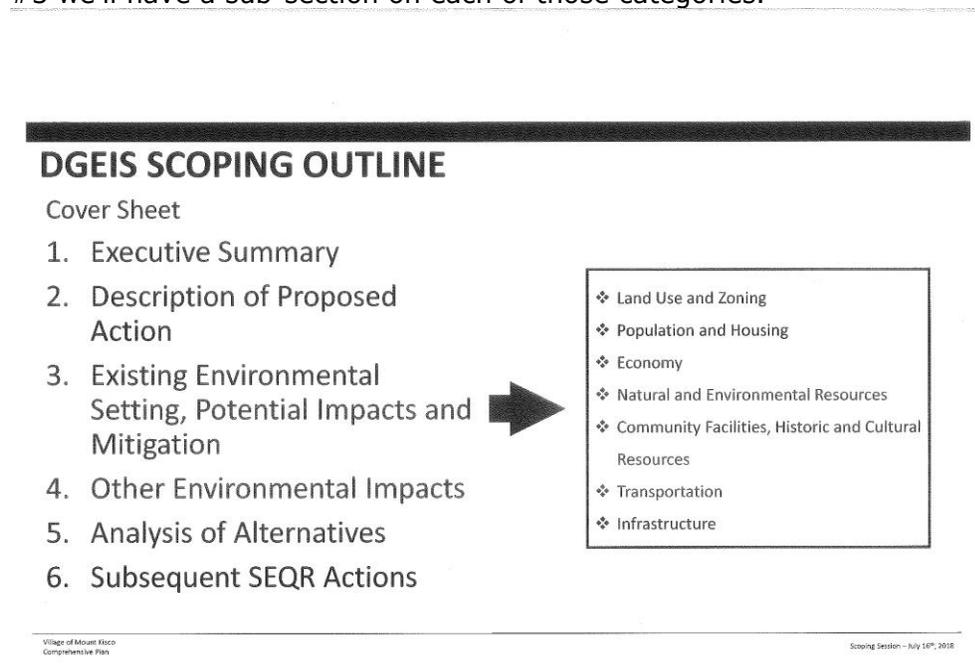
Mr. Fish stated that the Village Board of Trustees has determined that they will be the lead agency for all of these actions and you have to be, only Elected Officials can adopt and review the zoning. The reason that I am here tonight is that you also made the determination, not only to be the lead agency, but that in fact this is a possibility that this action could have a significant adverse impact on the environment and therefore you made a positive declaration to do a full Environmental Impact Statement. Scoping is the first step in that process.

Mr. Fish stated that "Scoping" is discretionary, you don't have to do it, and we simply recommended that you do it. What scoping is, is it simply outlines what will go in the EIS, so we wanted to review that with you. If any member of the public wishes to comment on the scoping document they can do that tonight and I would suggest and recommend that we leave the discussion open for ten (10) days just in case anybody wants to study or write in as a result of tonight's meeting.

Mr. Fish reviewed the State Environmental Quality Review (SEQR) Time Frames graphs.



Mr. Fish stated that this is the overall process and he wanted to make sure that we do the scoping first, so that when we hand in the EIS to you it should follow all of the requirements of the scoping document. These are the six (6) chapters and within chapter #3 we'll have a sub-section on each of those categories.



Mayor Picinich stated that some of the biggest changes deal with our downtown areas. You mentioned the Request for Proposals (RFP), which will be potential development and growth on the North and South Moger lots. We need to be able to ensure that any

development doesn't negatively impact the current structure and doesn't add or overburden the cost in order to be able to support it. Does that evaluation go in this document?

Mr. Fish replied yes, it will go in the Draft Environmental Impact Statement, it is specifically water and sewer which would go under infrastructure.

Mayor Picinich stated so when we talk about the potential of adding 250 residential units downtown it will take a look at what the impact of additional water need is.

Mr. Fish replied yes, that is correct it's on page 8 3.7 Infrastructure relating to both water and sanitary sewer.

Trustee Grunthal stated what he would like to see added to this report is the changes to the downtown area regarding light pollution and noise levels. We have what seems to be pretty substantial chapters on Natural and Environmental Resources to cover that and we have Historic and Cultural Resources, but I don't see the noise and the light.

Mr. Fish replied that is something that we can add both light and noise into chapter 3.

Deputy Mayor Farber asked if the potential for additional parking spots be addressed in the RFP.

Mr. Fish replied we put in the RFP that all of the existing commuter parking must be kept and then in addition to that the developer must meet the requirements in the overlay district for parking on their own site. The site must be fully parked. Also our transportation analysis will take a look at all of that parking and all of the trip generation and divide that as to where it goes and what the impacts are on the intersections.

Mayor Picinich stated that the scoping document is being left open for 10 days and that it is available on-line at [https://docs.wixstatic.com/ugd/a1260f\\_bbab2fa3c4ca47448116e49d9ea9e4b0.pdf](https://docs.wixstatic.com/ugd/a1260f_bbab2fa3c4ca47448116e49d9ea9e4b0.pdf) For anyone who would like to review it. Again the document identifies what we are going to look at as part of the EIS.

c. Resolution authorizing the Mayor to sign the License Agreement for 44 Thorn Avenue.

The following resolution was offered by Trustee Schleimer and seconded by Deputy Mayor Farber authorizing the Mayor to sign the License Agreement for 44 Thorn Avenue with the noted change in paragraph #6 regarding the certificate of insurance as recommended by Trustee Schleimer; all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

d. Resolution authorizing the Village Manager to sign the Settlement Agreement with Verizon New York, Inc.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese authorizing the Village Manager to sign the Settlement Agreement with Verizon New York for past underpaid local GRT Audit in the amount of \$10,000 this includes penalty and interest for all periods to and including March 31, 2018; all in favor;

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

e. Resolution to establish a Charitable Gift Reserve Fund.

The following motion was offered by Mayor Picinich and seconded by Trustee Schleimer to table this item; all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

f. Communication Tower proposal in Leonard Park.

Mayor Picinich stated that this item was on the Board’s agenda tonight for conversational purposes only with the public. She explained that there is a need for an additional cell tower to provide more effective service along the Rt. 172 corridor and some other spots in this area. We’ve talked to a cell company and it seems as though one of the recommended locations is up in the back of Leonard Park, way back beyond the pool and that is an area that they said would be a good location. There are challenges to doing that. The first challenge is that this is park land, so in order to be able to put anything in park land which would be leased from the Village, we need to get our State Legislators to actually alienate that through an act of the Legislature and then we would have to dedicate an equal amount of other space towards park land somewhere in the Village. In addition, there is certainly a concern about the view of having this tower someplace that could have a negative impact from a view prospective. We were provided with some photographic simulations of what this could look like and we’ve made a request to float a balloon at the height of what the tower would be so we could see that from all areas and all directions and determine the negative impact if any. The communications company is very happy to do the balloon test and they would just like to know when we would like for that to happen.

Deputy Mayor Farber stated that she would like to see the test done in the fall or early winter when all of the leaves are down, then we would really be able to see the true impact of floating the balloon at that time.

Trustee Grunthal stated the other point is not only the visibility from far away, but it’s the visibility for the people who are actually using the park, especially in the winter.

Mayor Picinich stated that she would contact the communication company and advise them of the Board’s decision to do the balloon test in the fall/winter when all of the leaves are down. She encouraged everyone to take a look at that diagram showing the proposed location of the tower and on a beautiful morning go take a hike substantially up back beyond the pools and get a feel for what the impact would be.

Mayor Picinich stated that the benefits of this cell tower would be improved cell service and that it would generate non-tax revenue for the community. But, again there is the potential for an environmental impact that could be negative. So this is a choice that we all collectively have to make.

g. Appointment of Grace Johnson as a Member of the Community Development Advisory Group for a one year term to expire at the annual organizational meeting 12/3/2018.

The following motion was offered by Mayor Picinich and seconded by Deputy Mayor Farber appointing Grace Johnson as a member of the Community Development Advisory Group (term expiration 12/3/2018); all in favor.

Trustee Schleimer suggested that when the position expires in December that it be advertised to see if more candidates were interested in serving on this advisory group.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

h. Resolution authorizing the Village Manager to sign the New York State Department of Transportation (NYSDOT) Easement Agreements.

The following motion was offered by Trustee Schleimer and seconded by Deputy Mayor Farber authorizing the Village Manager to sign the NYSDOT Easement Agreements with respect to various parcels in acquisition maps with the NYSDOT along the Saw Mill River Parkway; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**8) Bills -**

The following motion was offered by Trustee Schleimer and seconded by Deputy Mayor Farber to pay the bills as presented to the Board dated July 12, 2018 for the months of May and June, 2018; all in favor.

General Fund	\$266,961.87
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Water Fund	113,676.01
Sewer Fund	45,985.54
Library Fund	7,502.11
Capital Fund	126,980.05
Trust Fund	<u>30,022.28</u>
TOTAL	\$591,127.86

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**9) Approval of Minutes -**

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Grunthal approving the Regular Meeting Minutes of June 13, 2018, all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

The following motion was offered by Trustee Grunthal and seconded by Trustee Albanese approving the Regular Meeting Minutes of June 18, 2018, all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**10) Non-Local Business: None.**

**11) Public Comment:**

Mr. Mark Maffia (Turner Lane) expressed his concern about the zoning changes that were adopted earlier this evening with regards to allowing a cabaret license in these zones and the need for more Police Officers and increased contract costs. He brought up the same issues for a cabaret license in Radio Circle.

Mayor Picinich explained that the licensing and revocation process exists so the Village doesn't lose control and reassured Mr. Maffia that a night club is not permitted in "family entertainment".

Meeting closed at 10:15 pm.

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Edward W. Brancati  
Village Manager