

MINUTES

Regular Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday March 8, 2005

This meeting took place on March 26, 2005 due to cancellation because of inclement weather.

Meeting called to order at 10:15a.m. Saturday March 26, 2005 at the Municipal Building Mount Kisco, New York.

Members Present:

**Joseph Cosentino
Anthony Sturniolo
Stanley Bernstein
Doug Hertz**

Members Absent:

**Ralph Vigliotti
Joseph Morreale**

Staff Present:

**Nanette Bourne
Whitney Singleton**

Chairman Cosentino began the meeting with the Pledge of Allegiance.

Chairman Cosentino: I would like to thank everyone for coming out this morning to the Planning Board meeting of March 26, 2005. The first thing on the agenda is the minutes from February 8, 2005.

1. Minutes

Stanley Bernstein: I make a motion that we accept the minutes of February 8, 2005.

Doug Hertz: There are some revisions. Page 25 line # 41. I believe the sentence should read concern with the safety of the space and that would be program. Program should replace plan. Line #44 Event is eventuality. On page 28 Line # 51 should read just add the words at the end after but not at. It should read why are we looking farther up and not at that. There is one more. Page 32 Line #47 after would show would show no impact.

Anthony Sturniolo: I have a correction on page 24 line #26 it should read 7,000 square feet not 70,000.

Chairman Cosentino: Do we have a motion?

Stanley Bernstein: I made the motion.

Anthony Sturniolo: Second.

Board all Ayes.

Chairman Cosentino: Under conceptual application we do not have any. The public hearing we will postpone until the next meeting. It is Crème De La Crème and there is no one here from Crème De La Crème. The formal new applications: August Pond 151 Sarles Street. Please identify yourself for the record.

2. Formal New Application

**a. August Pond – 151 Sarles Street
Steve Coleman consultant for the applicant**

Steve Coleman: We submitted a formal application to you. Based on our conceptual meeting back in February we are here to see if there are any questions on the application. At the time you wanted to set up a site visit to look at the area.

Nanette Bourne: You need to initiate SEQR. When you finish your comment.

Chairman Cosentino: Does anyone have any questions?

Stanley Bernstein: A wetland of and acre?

Steve Coleman: It is a small intermittent area. It is approximately a half of an acre. .73 is the total size of the pond.

Stanley Bernstein: Another words the wetland will be a good part of the area.

Steve Coleman: What will be converted I can show you on the map.

Doug Hertz: On your area calculations it says area subject to wetland disturbance, is that what we are referring to?

Steve Coleman: It is .14. It is an intermittent channel that was carved into the pond area.

Stanley Bernstein: As to The berm, according to the dialog, the one hundred year storm won't reach the berm?

Steve Coleman: That is correct.

Stanley Bernstein: If there are a number of storms like we have been having you know that paradigm of the hundred year storm will go out the window, because in the last five years we have had three of them.

Steve Coleman: There is an emergency spillway, which would handle in the event.

Stanley Bernstein: Where does that water go, if it does reach?

Steve Coleman: What we have is a channel that will connect into the existing water cushion.

Stanley Bernstein: Where does it end up?

Steve Coleman: It ends up going down onto the adjoining property and dissipates.

Stanley Bernstein: How does it dissipate?

Steve Coleman: There is no mechanics it is just all gone and just spreads out. There is no real defined channel.

Stanley Bernstein: How do you feel about the wetland disturbance?

Steve Coleman: When I did the investigation and this particular water it is really an intermittent water course. It doesn't meet the criteria to be considered wetlands. There were no hydric soils. It is an interesting area; it is all different assorted rock. It looks like there is a perched water table and it is just accepting drainage from the hillside. There are no hydric soils or vegetation to speak off. They are looking at it to be an amenity to the estate property.

Doug Hertz: What is the ongoing to keep this pond in good shape? What ongoing maintenance or what systems would be put in to prevent it from becoming brackish?

Steve Coleman: With that type of pond and depending on the water source and the type of nutrients around the area, you can prolong it based on the natural characteristics. The one good thing we have here is this will be a wooded area so there will not be any nutrients from lawn areas or anything else going into it. So we have a chance to sustain it longer. We will be monitoring it on a regular basis and if we do get algae then we will look at a chemical treatment. From the get go what we are doing is putting aeration in and we are doing subsurface aeration and then we are doing a lot of wetland edge plantings which will help with the nutrients.

Chairman Cosentino: We need a SEQR determination.

Nanette Bourne: You need to declare your intent to be lead agency. We can circulate that. It does require a disturbance to natural resource it does require a public hearing, so we can initiate SEQR and if you want to schedule a public hearing it requires a fifteen day notice.

Chairman Cosentino: Why don't we do that all now.

Nanette Bourne: By motion you can declare your intent to be lead agency.

Chairman Cosentino: Do we have a motion to declare lead agency?

Stanley Bernstein: I make a motion to declare of this board (the intent) to be lead agency on this project.

Chairman Cosentino: We have a motion by Mr. Bernstein, do we have a second?

Doug Hertz: I will second.

Chairman Cosentino: Will the secretary poll the board?

On the Motion

Mr. Bernstein: Aye

Doug Hertz: Aye

Anthony Sturniolo: Aye

Chairman Cosentino: Aye

Board All Ayes

Anthony Sturniolo: On your short EAF form page two needs to be filled out.

Steve Coleman: The town or the village usually does that.

Nanette Bourne: It is the village's practice to fill it out or you can.

Steve Coleman: That is ok.

Anthony Sturniolo: The source of the water is going to be two wells that are privately owned on the property. I need to see some analysis and also an understanding of any potential impact. As you drain down from those wells to build the pond what impact that has on the well field at Leonard Park.

Steve Coleman: We retained LB Engineering and they did an engineering analysis, which was part of our report. The difficulty is we have a very small watershed. We need to supplement with the wells and the estimate is less than 5 gallons per minute. Which is less than a typical residence would use to supplement the pond. Their analysis indicated there would be no draw down, because it is such a small amount that would be used.

Anthony Sturniolo: The draw down however small it may be, is that the same aquifer that is tied into the well field in the park?

Steve Coleman: I do not believe so. I will have the engineer look at that and provide a report on that.

Anthony Sturniolo: The village has a well field behind second base on the little league field. My concern is that your two wells would draw down if this is the same aquifer feeding your wells as well as the park.

Steve Coleman: That I do not know the answer to, but I will have the engineer look at it.

Chairman Cosentino: We also have to set up site visit.

Steve Coleman: The other thing I want to point out is the August's (Current owners) switched to village water supply. Just recently this past summer the wells were taken off line. They use to be used to serve the residence. So the amount of water that will be used for the pond will be significantly less.

Anthony Sturniolo: They are on city water now?

Steve Coleman: They are on city water now. They just hooked up this past summer.

Chairman Cosentino: Didn't they have an old lead line coming up there?

Steve Coleman: They were fed by well and they just took it off line.

Chairman Cosentino: The old line that was there two years ago when the Chase went into operation. We went up there and we were told that they were being fed by an old lead line from Sarles Street up. As a matter of fact they wanted to tie into the tank and

since then the question that I asked at the last meeting was what happened to that line and the answer was they now have a new copper line coming up. So you might want to check on that.

Steve Coleman: They had a well house and a pump that had an old lead pipe that was connecting from a private source.

Chairman Cosentino: Please check on that so we can get the record straight.

Anthony Sturniolo: So the swimming pool is also fed off of the village water as well.

Steve Coleman: It will be, yes.

Anthony Sturniolo: When we go up we need to look at that and we should also look at the issues of the screening, the storage tanks at Chase in the back part their property. It has been a couple of years since we have looked at it.

Chairman Cosentino: Why don't we set up a site visit for next Saturday April 2, 2005 at 9:00 a.m. to meet at the Municipal Building.

Stanley Bernstein: Nothing mandatory about this, but I would ask you to have the owner consider a conservation easement especially on property that adjoins to the Marsh Sanctuary. It might be to their benefit as well as ours.

Steve Coleman: I will do that.

Nanette Bourne: Would you like to schedule a public hearing for the SEQR? It requires a 15-day notice so the next Planning Board meeting is the 12th and I don't know if you could get it in the paper by Wednesday?

Chairman Cosentino: If it can't then let us know. We will set the public hearing for the 12th providing we can get it in the paper. Otherwise it will be made in the last meeting of April 26th.

Anthony Sturniolo: Right now the area of the pond is it covered with snow?

Steve Coleman: There is still a little bit of snow. Hopefully by next Saturday most of it will be dissipated.

Chairman Cosentino: Ok then we will see you next Saturday.

**b. Bet Torah – 60 Smith Avenue
Lee Wright architect for the applicant, Allen Westerman architect for the applicant.**

Lee Wright: When the project was approved months ago and the project went out for bids the construction costs were higher than the budget and we had to make some engineering decisions to reduce the building and size and some internal modifications in order to meet the budget. So very simply we took off some area of the building. The first element was the second floor of the classroom building. It was indicated as an alternate in your approval initially. We would only build it if we had the funds to do it. The building is planned so it could be done in the future. Obviously the budget was over extended and we didn't have the funds so the second floor is not being considered and therefore the stair that marks the second means of egress from that classroom was eliminated.

Allen Westerman: Currently it extends to this portion here. This piece above on the second floor is the alternate.

Lee Wright: There is an addition on the first floor where we reduced the size of this enrichment room by cutting off this portion of it. Over in this area was proposed to be the Rabbi suite with an office for the Rabbi and Assistant Rabbi, the Cantor and his secretary. What we did was we illuminated this new addition left the building footprint the way it is. Put the Rabbi's office in there and are located the other offices internally.

Chairman Cosentino: That is going to be open spaces?

Lee Wright: This will go back to being as it is now open space pervious material. This is the same as the pervious material as with this. We made some internal modifications. This is going to be exactly the way it looks now.

Chairman Cosentino: Your ARB approval was with the addition?

Lee Wright: That was one of our questions whether we should return to the ARB.

Chairman Cosentino: I think that the ARB did give you an approval with the addition. I think you should go back to them and let them know what you are doing. You are changing what you originally proposed.

Lee Wright: We expected that we should do that. We wanted to come here first. We modified the roof of the sanctuary some. We lowered it. The exterior appearances virtually the same. We did eliminate a window in the library that I know is an issue with the ARB. We will certainly go back to them.

Chairman Cosentino: You need to go back to them.

Doug Hertz: There was an issue in what direction they wanted it, or was it controversial?

Allen Westerman: There was a window in the middle.

Lee Wright: Right now there is no window.

Allen Westerman: Currently there is no window. The existing sanctuary is being turned into a library. We tried to offer some additional lighting to that space. As a result of meeting the budget the pieces of the existing sanctuary the arc in particular is going to remain there. In the arch there is some 15 feet taller and would block the entire window not allow any light into the space. Between that and the cost structurally to open up an existing wall and put a window in we took the window out.

Chairman Cosentino: You need to address the ARB.

Lee Wright: I think the issue was the size of the window, so my guess is that when it goes back to the way it was they will be ok with it. All in all we are reducing the footprint by 770 square feet. The parking, driveways, landscaping and the site lighting, screen planting all are exactly as you approved originally with the exception that we've got a little more pervious material than we did with the addition.

Doug Hertz: I have two questions. We are being asked for a modification for this site plan and it is a lesser scale. I wasn't involved when this was put together and I know the lighting suggests, the lighting plan that you have been working on Tony is fairly new. Do we know whether or not the lighting plan is approved in this complies with your suggestions that you have been working on?

Nanette Bourne: You made numerous changes so that you complied with the existing lighting requirements. I don't believe any of the changes that are being contemplated would affect this at all.

Whitney Singleton: You are looking at the entire site.

Doug Hertz: We are looking at the entire site.

Whitney Singleton: All of the modifications are slight.

Doug Hertz: I understand and I am not trying in anyway create a hardship for this project. I guess the question is based on the new proposal that we are going to be talking about I believe at the end of the meeting. Do we want to look at something like lighting? This is a very sensitive site with site lighting because it abuts a residential area. Certainly the parking area does. It is visible from two through main streets. Moore Avenue and Smith Avenue. I don't want to hold up the applicant but I would love to get a better take on how that lighting plan relates to the new proposal.

Nanette Bourne: I think that is very easy to do and I don't think it is going to hold this back. I think they can move forward and they can go to the ARB the next time they are scheduled. We can bring in their lighting plan. This would require a modification to the one that was approved. We will re-look at it and the proposed changes. Although I do not believe that those changes would affect it at all. In this case you might want to make some fine-tuning; you could do that.

Lee Wright: if my memory serves me our lighting we had many conversations with you and some of the suggestions I think in your new proposal were mixed in with that.

Nanette Bourne: Actually we made them comply with the requirements that we knew we were going to be working on.

Doug Hertz: Good.

Stanley Bernstein: What was the final decision on the fence on Moore. There was a lot of controversy on that fence. How is it being resolved?

Lee Wright: We brought a gate back to you and it was approved.

Allen Westerman: The final request was tiers at the end and metal gate.

Stanley Bernstein: The name is on it?

Allen Westerman: That was eliminated.

Stanley Bernstein: The wall was brick?

Allen Westerman: The tiers are going to be stone, but the low wall that was previously adjacent to the tiers was requested to be removed by the board and to add plantings.

Chairman Cosentino: You need to get on the ARB agenda.

3. Continuing Review

a. Sleepy's – 363 North Bedford Road Tony Chiappinelli representing the applicant

Chairman Cosentino: There are two letters here from Mr. Chiappinelli. We also have a letter or two from the building inspector.

Tony Chiappinelli: At the last meeting the board asked that we submit a long form Environmental Impact Study, which we have done. In addition the board requested additional photometry information on the existing lighting. Site lighting, which is not being changed and had been compliant almost five years ago. We have gone back to the lighting manufacturer and have re-submitted based upon the current footprint the photometry's analysis, which we submitted to Nanette Bourne. The other issue was I believe Mr. Sturniolo asked about the traffic impact. Our February 8th letter to Ms. Bourne outlined and confirmed the facts that this is a very minimal traffic generator this current use. We revisited the original traffic counts and have done an additional traffic count to confirm that this will not have a negative impact relative to the requirements of the environmental impact form. The trip generation to and from the project is very low in comparison to other retail uses. We had submitted previously the actual counts based upon Sleepy's records.

Anthony Sturniolo: Nanette do we need to take those traffics analysis and verify it with Anthony?

Nanette Bourne: I will have him look at it. It is true in terms of volume it is really very small traffic generated and I suspect that when Anthony looks at the volume count he will come to the same conclusion. It is more of an issue of circulation in and out onto that main road.

Chairman Cosentino: I think something was brought up correct me if I am wrong with Mr. Chiappinelli who agreed with this and under the square footage of the building even though it is a long term lease. If Sleepy's should move out there would be some kind of a problem with parking. Am I correct?

Whitney Singleton: Under the current zoning the project is compliant. In the event that in the future Sleepy's vacates then the owner would have to come back to this board if the lease changed from the current use which is compliant with the bulk sales of household goods. That is what the current zoning is for that site.

Nanette Bourne: What would have to happen is if there is changes of use that required more parking and generated more traffic then the new tenants have to come back to the Planning Board. That is already in the code that can be restated.

Chairman Cosentino: I would like to have that restated.

Whitney Singleton: The problem that exists with that is exactly the problem that exists with Datahr. You are going to be put in a position where no matter what proposed use

there is for the site if it is not warehousing or bulk sales of household items there is no way they are going to be able to comply. I just want to make sure you understand that.

Chairman Cosentino: So that is automatic?

Whitney Singleton: I just want to make clear to the applicant of what they are proposing. It is an extension to the building an enlargement of the building and that I want it clear on the record that they are doing this of full knowledge of this.

Anthony Chiappinelli: The owner is very aware of the law as it relates to this site. Which was changed and any future ramifications are crystal ball at this point. If they have a 25-year lease sure they may go broke next month and none of us could control that.

Chairman Cosentino: You are aware of that?

Anthony Chiappinelli: Yes we are.

Anthony Sturniolo: Also I think he brought the analogy about bulk sale of household items mattresses; and what would happen if the analogy was turned into a small version of Best Buy or an electronics location that sold household items. In addition to traffic and the parking requirement would obviously be severely impacted as opposed to selling mattresses. It goes to the point that Whitney brought up it is nice to say yes to this and then a new applicant comes in down the road and starts to open the whole pleadings of hardship. You know you are going to make me rip out part of the store put parking spaces back in that whole kind of thing that we are potentially postponing the inevitable. I would like to have a little more farsightedness what could happen down the road in the future. I having said that if you look on the EAF it talks about 31 parking spaces reduced to 21. Also on page 10 where it talks about impact of transportation it is checked off no as minor to moderate impact and I think it is something that would be greater than that. I am not 100% comfortable as we go through this process that this is the right direction to go to reduce the amount of parking spaces on that building when regardless of the long term lease that Sleepy's may have with the property owner. That if something else comes in without any change of use required but selling something differently that it may have a far greater parking impact than we are currently in. Then we are going top through the whole hardship proceeding. That was the point that this board raised on August 24th when this came to us initially as a conceptual application.

Chairman Cosentino: As many years as I have been on this board very few if any at all where reduced parking was granted on a site.

Anthony Chiappinelli: I sympathize with the board's points. However we have to go by the zoning that is applicable to this site today. I don't know who generates the zoning changes but the zoning was changed somewhere between five years ago and today to bulk sales from a previously higher use. So theoretically the uses of the building if you take the real-estate use you have limited the uses to bulk sales from retail use similar to that which surrounds the site. Previously this owner could have rented Sleepy's space to a retailer. Then maintained the 31 parking spaces however the tenant who has a 25 year lease from this point forward is asking for the additional space to be put onto the building and we are compliant with the parking requirements as applied to the site today. In the future none of us have a crystal ball. Hopefully Sleepy's will be around for 25 more years. I think the facts are the project is compliant today. I can appreciate the concerns about the what if's scenarios. I think today the tenant needs the additional space to conduct its business and the project is compliant.

Chairman Cosentino: Can you give me a definition in the code of bulk?

Whitney Singleton: Bulk household items?

Chairman Cosentino: Yes.

Nanette Bourne: While Whitney is looking at that I have two questions. One the landscaping that you are showing is that existing landscaping or what you are proposing?

Anthony Chiappinelli: No it is existing landscaping.

Nanette Bourne: So this is an opportunity to reevaluate the landscaping so that it can made to look a little more attractive. This should be the time to do it.

Anthony Chiappinelli: The owner has just recently re-landscaped it to replace the plantings that were previously there. Actually some were dug up and moved and some

have perished in the environment. It is close to the road and it gets a lot of salt. It constantly has to have replacement of plants that cannot survive the salt from the highway.

Nanette Bourne: This is the board's opportunity to ask for any enhancements that you might want. On the lighting have you submitted a lighting plan?

Anthony Chiappinelli: When the issue first came up we re-submitted the parabolic to the board and to you. Then I believe it was Mr. Sturniolo asked for the actual lighting on the plan as opposed to the individual lighting fixtures. There are only 2 site lights. So we went back to the original lighting manufacture and had then prepared the photometries. I sent that to you on February 2nd.

Nanette Bourne: I apologize it has been a long time.

Anthony Chiappinelli: I know it has because we missed a meeting as well.

Nanette Bourne: So the information that you submitted with your existing lighting demonstrated that it was compliant? We need to take a look at that. You are not proposing any changes?

Anthony Chiappinelli: No additional lighting and no change to the wattage on the current lighting. It works just fine and works for the current use and it is compliant.

Chairman Cosentino: So what we are asking for is a landscaping plan.

Anthony Chiappinelli: We have already submitted that.

Nanette Bourne: This is the landscaping plan that he is submitting. This is an opportunity for you to see if it meets your satisfaction by driving by. If you want any changes, if you want it to be enhanced then that would be a comment that you should make at this point.

Anthony Chiappinelli; I think Mr. Parker he is not here today, but he was out to the site after we had replanted this past fall. When we were here in September is when we were replanting at that time and then the board asked for an updated plan as to where the location of the plants was.

Doug Hertz: Just looking at the photometry's that are provided they don't comply with the new suggested proposal.

Anthony Sturniolo: The average to minimum ratio is 10 to 1 that you are proposing. Doug what we are looking at is 4 to 1.

Doug Hertz: You are looking at 4 to 1 and also the maximum illumination is higher than the proposed. If doesn't comply with either of the new suggested proposal.

Anthony Sturniolo: Either current or future.

Doug Hertz: These are your photometries?

Anthony Chiapinelli: Yes. These were changed by the lighting manufacture of the lighting fixtures.

Nanette Bourne: I am sure they are accurate. It is just more than what the code permits.

Anthony Chiappinelli: Is there a new code that we don't have?

Anthony Sturniolo: It is the current code.

Anthony Chiapinelli: We thought they were compliant to the code.

Anthony Sturniolo: We also talked about the width of the parking stalls. Everything is 9 - 6 x18 - 6?

Anthony Chiappinelli: That was changed.

Nanette Bourne: The aisle width is increased?

Anthony Chiappinelli: Yes.

Anthony Sturniolo: Where did that increase in the aisle width come from?

(Tape 1 Side 2)

Anthony Chiappinelli: The original aisle width was the width of the actual easement between the properties to the south, which is the John's Best property. That was imposed. When this project was initially brought before the Planning Board they asked that we have traffic flow through the property to the south. Similar to what the board did with the CVS and Staples giving the folks that come there an opportunity to exit through. Also in configuring in what had been an addition to the restaurant some years ago there was an issue of overflow parking during peak hours at the restaurant. The board asked the property to the south and this property to have the ability to traffic over each other for the beneficial use basically of the then proposed restaurant site. At night the store Sleepy's is closed and the ability of the restaurant to actually park in these spaces.

Anthony Sturniolo: If the aisle width is 24 feet how did you achieve that? At what sacrifice?

Anthony Chiappinelli: We shifted the striping.

Anthony Sturniolo: Without changing the dimensions of the parking spaces?

Anthony Chiappinelli: We increased the curb at the western boundary, which abuts the Grand Union property. It is the fixed property line. The parking was the parking requirements with respect to the distances, which was just shifted. It has to be re-striped.

Anthony Sturniolo: Are you saying before that parking spaces were greater than 18 x 6 in length?

Anthony Chiappinelli: No.

Anthony Sturniolo: Unnecessarily so?

Anthony Chiappinelli: They may have been I do not know exactly. The aisle width was increased to 24 feet at the board's request. It had been 22, which was the width of east.

Doug Hertz: Are all these spaces compliant with current code?

Anthony Chiappinelli: No they have not been re-striped.

Doug Hertz: By your proposal?

Anthony Chiappinelli: Yes sir.

Chairman Cosentino: I get 9 - 6 here.

Anthony Chiappinelli: They were 9 feet before.

Doug Hertz: What is our code requirement?

Chairman Cosentino: So all these parking spaces are going to be 18 - 6?

Anthony Chiappinelli: They are going to be 18ft 6 in x by 9ft 6 in.

Doug Hertz: These angled spaces five through seven?

Anthony Chiappinelli: They are also compliant with the requirements of the code.

Doug Hertz: For angled spaces?

Anthony Chiappinelli: Yes sir.

Chairman Cosentino: What happens I have a mattress delivered and take the old mattress away?

Anthony Chiappinelli: Mattresses are not delivered from this store. This is merely a showroom. A central warehouse delivers mattresses.

Chairman Cosentino: So no mattresses come back to the store.

Anthony Chiappinelli: The only mattresses that are delivered to the store are for the purposes of the showroom and if they are going to change the stock from an old model to a new model. They have had somebody return a frame that was either broken or was damaged. I have seen that in the dumpster occasionally. Basically the deliveries to and from the store are for mattresses and perhaps a headboard or any other sleeping related things. I think they sell pillows and things that go along with the bedding. Straight-bodied trucks deliver those. Typically the deliveries are in the morning.

Chairman Cosentino: The dumpster is small for mattresses.

Anthony Chiappinelli: None of their stores are actually selling the product.

Chairman Cosentino: So there won't be any storage of mattresses in the rear of the building.

Anthony Chiappinelli: As a warehouse of mattresses?

Chairman Cosentino: Not as a warehouse for old mattresses that come back. They won't be stored back there?

Anthony Chiappinelli: They don't return mattresses to the store. If there were an issue with a mattress they would bring it back someplace else. I believe an inspector goes out and assesses the mattress and then they arrange for a pick up and a re-delivery.

Chairman Cosentino: Now these plantings are all new?

Anthony Chiappinelli: Some are new and some are existing.

Chairman Cosentino: This is what it is going to be?

Anthony Chiappinelli: Yes. When I say new it means that we have replenished and replaced those plantings that have failed.

Chairman Cosentino: If I walk up there this is what I will see?

Anthony Chiappinelli: Yes you are.

Doug Hertz: You are not proposing anything additional to what is currently there?

Anthony Chiappinelli: As far as plantings, no.

Doug Hertz: I believe Nanette's point is well taken which is that most of the other buildings along that corridor we have required to comply with a consistent landscaping plan. I personally would like to take a look at that to see if it does comply and if not then we can spruce it up and make it as close to compliant.

Chairman Cosentino: Why don't we go next Saturday as a site visit also. We should take a walk there and take a look at it. Put this on the agenda for April 2nd for a site visit. Then you get a better idea.

Whitney Singleton: The term retail sales of bulk household items specifically says that those items related to home improvement and maintenance such as then it gives a list including beds and bedding.

Doug Hertz: Not small items?

Whitney Singleton: The samples given are furniture, major appliances carpeting, rugs, fireplace equipment, bed, bedding, pianos and organs, garage doors, and similar bulk household items.

Nanette Bourne: All those were identified not just examples that we came up with.

Chairman Cosentino: Our problem is we are reducing parking and it may be a problem in the future. Like you said we don't have a crystal ball here and we don't know what is going to happen. We have to keep that in mind.

Stanley Bernstein: There is another concern and that is the fact that traffic exits on the main egress from Grand Union property, which we know, will be developed. There is nothing you can do about it but it has to be thought about. It might even have to come

down to some sort of control in that intersection especially since there is high volume in that intersection.

Whitney Singleton: This is not access to Grand Union property even though it is owned by the Grand Union property.

Stanley Bernstein: This is not accessed?

Whitney Singleton: Not accessible to the Grand Union property.

Anthony Chiappinelli: Although they own the 50-foot strip between the properties. This property as well as to the north and the John's Best property have deeded rights to access over there.

Anthony Sturniolo; Again all household items include a mattress and a plasma TV set.

Doug Hertz: Major household appliances. I would argue that is electronics and that electronics don't come anywhere near belonging with that.

Anthony Sturniolo: I just do not like the idea of cutting down parking spaces. There are certain inherent issues that we must deal with on a daily basis and also look towards the future and be proactive about one of which are traffic. The second is the use of water.

Anthony Chiappinelli: The board itself or the mechanics of the village have sort of down zoned this property to bulk sales from a higher and better use.

Anthony Sturniolo: Correct. But if mattresses change to some other item that will have a greater demand for parking that is a concern that I believe personally that we need to address now, even though we don't have a crystal ball in front of us.

Doug Hertz: The computation for parking spaces for this use. Did they meet or exceed?

Chairman Cosentino: He complied with that under bulk.

Nanette Bourne: The issue that Tony is bringing up which is a fair issue. There is a fuzzy line between this in the world of retail. The parking requirements for retail of electronics or high traffic generating uses are a very different parking requirement as opposed to bulk items. It could require twice the parking than what is provided.

Chairman Cosentino: I agree with that. In the future if something does happen then that is his problem.

Doug hertz: I am totally sympathetic and I also incredibly reluctant to approve anything that would lesson parking spaces. On the other hand where there is an existing zoning and am I missing something here. They are voluntarily creating what could be a future hardship. As long as they are compliant what real options have we other than friendly persuasion.

Chairman Cosentino: I think the client feels that Sleepy's is going to be there for 25 years and will not be a problem. If they are not unless they get somebody with bulk he would have to come back before this board. Then he will have a problem.

Whitney Singleton: It will become your problem.

Anthony Sturniolo: It will become our problem and then we become the bad guys in the eyes of the new applicant. When this Planning Board or future Planning Board has to say, "Chop off the back end of the store and restore the parking spaces."

Chairman Cosentino: Or you go to the ZBA and get a variance for Parking.

Anthony Sturniolo: I am trying to address this cleanly now so the future board doesn't have to grapple with the new applicant coming in and saying my hands are tied.

Chairman Cosentino: I think that sometimes you have to look at seriously it doesn't comply and we have another issue here. We are going up there on Saturday.

**b. Premier Collection: 250 Kisco Avenue
Sean Coughlin, Rich Stavridis, and Don Murphy representing The
Premier Collection.**

Chairman Cosentino: I understand you went before the ZBA and everything was approved and the ARB.

Sean Coughlin: Unfortunately we are short our engineer and architect they both had plans. Dave Sessions addressed most of your concerns. There are a couple of things. My understanding is that Ms. Bourne also has some concerns about the lighting, which we would be happy to address. What we are hoping for is that we can get a resolution started today.

Anthony Sturniolo: Can you tell what transpired with the ARB?

Sean Coughlin: What they had requested was that originally there was an applique of for all intensive purposes the Landrover signature they were not happy with it on the front of the building.

Don Murphy: The element like this they did not like. (Viewing of drawing)

Sean Coughlin: They also did not like the multitude of setbacks and half the building was glass and half was a beige color. They felt that was too hard on the eyes. What we came up with was a fully glass front. We slightly increased the size of the band here but essentially that is what the ARB requested. That is what we came up with to comply.

Chairman Cosentino: I read the minutes as to what they said.

Doug Hertz: You don't have a current drawing of what they requested.

Sean Coughlin: This is extremely close if you take away, as I said these vertical panels. This is exactly what it is.

Chairman Cosentino: What I think Doug means is that we had some large drawings. The architect is not here today?

Sean Coughlin: He is out of town.

Chairman Cosentino: I think that is what Doug was referring to.

Doug Hertz: Have those been redrawn?

Rich Stavridis: Yes they were presented to the ARB.

Don Murphy: It is the same as this but in color.

Chairman Cosentino: We would like to see them.

Sean Coughlin: They also changed this is and asked for the garage door to be solid as well.

Doug Hertz: That wasn't the latest iteration. That had been ARB from awhile back.

Sean Coughlin: That was one of the requests of the ARB to gain their approval.

Anthony Sturniolo: We need to talk about the site lighting.

Sean Coughlin: My understanding of it is that Nanette would prefer 15 foot poles instead of 20 foot poles. Fourteen-foot poles instead of twenty-foot poles.

Anthony Sturniolo: The philosophy being more poles lower down lower wattage and the reasoning for lower down is so at a great distance up on the hill at night it doesn't look like twinkle twinkle little star.

Don Murphy: You won't get the light reflection.

Doug Hertz: If I might even extend that we are talking about not even a cut of lights. This is a site because of its elevation where you are going to be looking up at lights. Almost all the views of this side going all the way back to the other hill. I am wondering if there something that goes beyond that spec. To me, at Curtis I saw more than anything else is the night lighting issue.

Stanley Bernstein: In the winter when the leaves are off the trees.

Rich Stavridis: Is the lighting issue the underneath part of the building?

Doug Hertz: Certainly it is the screening of the underground parking area. That eliminates any of the issues. The additional site lighting. The exterior site lighting that would be visible from any other areas.

Stanley Bernstein: My problem is also the lighting that can be seen through the windows. That is what you get from Curtis, not so much the street lighting. You see that from North Bedford road.

Chairman Cosentino: We are talking about the lighting Nanette.

Nanette Bourne: Twenty-five feet is too much.

Chairman Cosentino: You brought it down to fourteen.

Nanette Bourne: At the most fourteen. I think with this project you want to see low light and they are going to be exaggerated by the time you are looking at them from across the valley. They need to be very low and very discrete lighting. With the outlet center we permitted the twenty five-foot high light for two reasons. One it is a flat site. Two the lower you have your poles the more poles you need. Adding more poles to the outlet center will take away parking. We are starting from scratch on this. We don't have a parking issue.

Chairman Cosentino: Then you need to work on the lighting.

Nanette Bourne: I think you need to make your plan.

Sean Coughlin: We are in the process of working on that right now.

Chairman Cosentino: You are going to have to work very close Nanette on this lighting. It is important on that hill.

Doug Hertz: My comment that I made when you were out. We were talking about 90 degree cut off fixtures as a minimum spec. This site is out. Fourteen feet lamp heads above. I don't know what the base elevation above the road surface. Thirty, forty, fifty feet at a starting point. We are going to be looking up into lighting fixtures in certain area. So where you will direct line of sight. I am wondering if we can minimize: whether even cut off fixtures is going to be adequate.

Nanette Bourne: You bring up a very good point. Recently I was walking around the Pepsico site. They have light fixtures that are maybe five feet high. They have hoods that completely cover them. It accomplishes exactly what you are talking about. If you imagine the light poles at the Outlet Center even with the shield you would not want to have those or anything like that on this site. You want to have almost a hat with a wide brim that is going to cover it.

Sean Coughlin: My only concern as far as the lighting goes is that we will have customers walking back and forth to their cars. Service parking and employee parking. My main concern is that especially in the wintertime there is adequate lighting for them, number one, to see their cars.

Nanette Bourne: Go by Pepsico and look at the lighting. The corporate headquarters through out their entire parking those five-foot light poles.

Sean Coughlin: It is best if they are five feet high, but I think it would be somewhat difficult for a customer to find their car.

Doug Hertz: You may want to consider some hybrid of what we are looking at now, instead of the conventional let's put them up high. Because of the sensitivity of the site line in this building, the fact that it is going to be integrated into a very significant distance in the village. The other question I have which Stan brought up earlier. The interior lighting in the building what are we going to see at night?

Sean Coughlin: The second floor of the building is all-administrative, which will be shut down.

Doug Hertz: Primarily due to the glass of the facade.

Sean Coughlin: As I said the second floor of the building should be pretty much shutdown by dark most nights. Our office typically works from about 8:00 in the morning until about 4-5 in the afternoon. We can certainly darken the second floor fairly

easily. The first floor is the showroom from about here over and about this high.
(Viewing drawing)

Doug Hertz: Will there be night lighting on in those areas?

Sean Coughlin: The showroom is open until 8:00 at night at which time we will shut down the lights. You have to have security lighting which is currently we have four lights out of twenty.

Doug Hertz: What about offices?

Sean Coughlin: It will probably be the same. The halls have to be lit. The halls are all internal.

Doug Hertz: What are we going to see from the building at night? I would like to know all night long. I understand when the showroom is on the showroom is on. But when it is off and the offices are closed. I would like to know what we are seeing.

Sean Coughlin: Currently one out of every eight lights in our current showroom is lit for night lighting. I don't think it would be any more than that.

Doug Hertz: What candle levels. How much is that going to be reduced through the darkness of the glass? I really want a good idea of what we are going to see.

Don Murphy: This is all parts, so this will be dark. From 5:00 on there is nobody in parts.

Sean Coughlin: Actually this is not glass it will be solid wall. You are not going to see any lights from that half of the building whatsoever.

Don Murphy: From about here over it will be dark anyway and that will be all the time. That is all spandrel glass and will be dark all the time.

Doug Hertz: Part of our concern is you have this nice unified look during the day. It sounds like it is going to radically change at night. Part of it will be black part of it will be partially lit part of it will be lighter.

Don Murphy: You have a solid hallway here. So you only have one small section of the showroom out here. Which would probably only have one or two lights on at the most.

Nanette Bourne: What I would suggest is that I once used a program that mocked this. It was a photo simulation that modeled what a project looked like at night. I think that is what you really want is to visualize that. Maybe I can speak with Erik Kaeyer.

Doug Hertz: That would be great. Even something like and I have run this before. If you have big white wall that is back there and the lights that happen to be on night lights are right on the white wall it is going to be a lot different than if the lights are completely over the cars and there is nothing on the wall. We don't see the cars from that distance. Nanette's point is a good one. If you could model that so we have as part of the lighting plan. We could look at what the real night lighting impact is going to be. Then is there are issues again sometimes just what lights get wired on for night lighting.

Don Murphy: If you wanted no lights on that particular side of the showroom I am pretty sure we can get away with that. As long as we meet the requirements for egress. You can have one here that is just a red light with an exit. It will have to be there. The same with any of the doorways.

Doug Hertz: That is going to be facing the interior.

Sean Coughlin: Also with the darkened glass any light that emanates from the building will be minimal.

Doug Hertz: That is something that I would really like to know. What is the factor of the glass? Is it half that corner?

Sean Coughlin; I am sure we can come up with whatever you need to persuade you and your concerns.

Stanley Bernstein: Our concerns or at least my concern is what is there now and what will replace it. What we see now from anywhere in the village is a wall of green. As far as I am concerned it is a nice thing to look at. It is going to be replaced with something

else. That something else should not be intrusive in any way. We talked about lights at night, which is a consideration. Also the sunrise on that glass will be a problem until the sun moves south. While it is coming up in the east you are going to have a reflection on the glass. So that is something that should be modified to some degree or at least looked at. The whole thing in my mind is what is going to replace that beautiful wall of trees. That what you should keep in your mind in all your deliberations.

Sean Coughlin: Mr. Bernstein quite frankly none of the trees are changing in front of that building.

Stanley Bernstein: All you see are trees and now you are going to see something other.

Sean Coughlin: The trees that are there are not going.

Stanley Bernstein: The trees will be there which is in the rear. It's true.

Chairman Cosentino: I think we went through that at the last meeting your concern, which they addressed.

Rich Stavridis: You still see the building.

Chairman Cosentino: You are going to see it no matter what.

Stanley Bernstein: The sunrise also on the windows.

Doug Hertz: Nanette you are going to be working with them about the lighting.

Chairman Cosentino: I think Doug is right you need that finished drawing and model. The next time you come bring that.

Sean Coughlin: Do you want day and night?

Chairman Cosentino: Yes.

Nanette Bourne: I just want to make sure that the board is aware and visualize and is ok with the display areas that are going to be on Kisco Avenue. There were four display areas. You have the same number of cars.

Sean Coughlin: We actually have eight less cars.

Nanette Bourne: You are going to be displaying seven cars?

Sean Coughlin: Originally we halved that.

Nanette Bourne: I just want to make sure you can visualize it and you are comfortable with it.

Stanley Bernstein: I visualize it, and with all due respect to the applicant, it is Kisco Avenue and a commercial area and something down low which is commercial I don't think there is too much we can do about it. It is something that will have to be.

Chairman Cosentino: it has to be landscaped. That is to be the goal to make that area attractive.

Rich Stavridis: We are going to make it look very attractive.

Chairman Cosentino: Natural and nice.

Doug Hertz: The same creative look for lighting. Consider that.

Sean Coughlin: Our goal is to use landscape level lighting for that area. Lights shinning up at the cars not light shinning down. We have done that at other locations it looks very nice.

Anthony Sturniolo: When you say shinning up.

Sean Coughlin: Shinning at the cars very low level actually in the bushes shinning up at the cars.

Chairman Cosentino: Show that on the same plan.

Nanette Bourne: Not the model you will not get any benefit from the modeling for this.

Anthony Sturniolo: Could I return to a point that Doug brought up. You said that the interior hallways need to be illuminated but not the offices. The interior hallways have no windows but the offices do.

Don Murphy: Show the interior hallways.

Anthony Sturniolo: Right this would be illuminated but not the offices. The offices you'll see looking at darkened glass. We also need to address a concern about doors from the hallway to the offices. If the doors are left open and there is going to be a certain amount of spillage into the offices that will be visible from the outside.

Rich Stavridis: We have it in another building and it is very low lighting. Along with that and the tinted window it should be very minimal.

Anthony Sturniolo: The lighting in the office is recessed ceiling florescence?

Sean Coughlin: Correct. In the hallway this size there might be two of them on.

Doug Hertz: Again we might want consider it just a simple thing like making sure that the lights that are going to be on are not in front of a doorway.

Sean Coughlin: it is not difficult for us to do.

Nanette Bourne: This requires a natural resource disturbance permit. They are disturbing areas that are within the wetland buffer.

Don Murphy: I believe the storm water prevention plan has been approved.

Nanette Bourne: It still requires a public hearing.

Chairman Cosentino: Let's set it up now. Schedule this for the 26th.
Nanette you are going to be working with them on the lighting.

Nanette Bourne: They will need that time to work on their plan.

Chairman Cosentino: By the 26th we should have something back and Erik should have his model done.

Anthony Sturniolo: Nanette what would be the format that we would be able to see this?

Nanette Bourne: You could do it on a laptop on a screen.

Anthony Sturniolo: So he can bring a laptop an electronic projector and we could look at it.

Nanette Bourne: I will caution you that anything it could get outrageously expensive. The point is not to completely redo the architecture of the building. It is whatever you put in is what you get out. You want them to have just a basic box for the building and not all the detail.

Doug Hertz: Two things I would like to know is what the lighting is going to look like and what we will see. Basically down from Kisco. What we will see at its direct elevation across the valley. If there is anyway to as you raise up your viewpoint all of a sudden this becomes a highly lit parking area, entrances change their aspect tremendously. Or conversely if you are down one level.

Rich Stavridis: I do not know if that program will do elevation.

Nanette Bourne: You can pick a point at which you want to see.

Doug Hertz: Then we may just want to model two points. I want to know if we're looking up into lights when we are down on Kisco.

Sean Coughlin: What vantagepoint would like us to use.

Doug Hertz: I would like two vantage points. One from height across the valley. One from the center of Kisco.

Nanette Bourne: The one across the valley that is clear. Why don't we spend some time thinking about the second place?

Doug Hertz: I will defer to you those things.

Anthony Sturniolo: If you could direct Erik to take a look at PEPSICO.

Sean Coughlin: Actually it would not be Erik it would be our lighting contractors.

Chairman Cosentino: Ok thank you.

Nanette Bourne: Before a resolution there needs to be the public hearing and the lighting.

Chairman Cosentino: Then we can do that. You are close.

**c. Northern Westchester Hospital: 400 Main Street
Steven Barshov, Joel Selligman, John Partenza, representing
Northern Westchester Hospital.**

Steven Barshov: We are here today to set the draft-scoping document for public hearing.

Nanette Bourne: just to refresh your memory. The applicants per SEQR requirement submitted their own draft-scoping outline. The board looked at it in two different meetings and made various comments on it. At the last meeting they attended a revised copy was submitted. That copy was included in your agenda. It reflected some organizational changes just to make it look like a scoping outline that the village developed. It incorporated the planning board comments and some various updates concerning time that the applicant originally developed. Target was not open. It is open so we made that change. There was some language issue between my computer and Nancy's computer. So what was shown on my computer and what we had came out different on hers. But the one that came out on hers is the one that is in your packet. The procedure right now is if the scoping outline generally reflects what you would like to be included in your primary statement. Then you would be in a position circulate it to interested involved agencies, schedule a public hearing on this. Listen to whatever the public has to say, then make any final modifications based on what the public says and any last minute or final thoughts that you would have on what needed to be included. There is no need for you to feel that what you have in your packet right now is set in stone. You can let it be absorbed by the community and get some feed back from them and then make the final change. If all that is acceptable to you they could be on for the April 12th Planning Board meeting for public hearing. The public hearing requirements are different for SEQR and its application than for the natural resource disturbance permit.

Doug Hertz: You expect based on public hearing that there would be modifications based on public input?

Nanette Bourne: The public may comment on what is already reflected. They tend not to go through this with a fine toothcomb. They'll come up with: "why didn't you study this particular intersection". In your mind you will say it is in there so you are ok. They may come up with something that you hadn't thought of and you'll want to include that.

Doug Hertz: I see the intersections were amended.

Anthony Sturniolo: Doug I know you brought that up and I also see all the questions and the areas to look into that I brought up were addressed in here. Personally going through the review of the revisions to the scoping outline I believed they have addressed everything I wanted to see.

(Tape 2 Side 1)

Whitney Singleton: How are you going to address the issue of gradation of the zoning district for the middle of the property? Is there not going to be part and parcel over this sub division application?

Steven Barshov: Which parcels?

Whitney Singelton: All the lots along Boltis Street, Which are currently to become partially in a hospital zone and partly in the R26.

Steven Barshov: My understanding is that we talked about this. My understanding is no sub division application is necessary. Properties can be in two separate zoning districts. That is number one. Two is I believe that those properties are owned by the hospital.

Whitney Singleton: I agree with you on both of those. But the creation of two districts within one piece of property is discouraged in the code. In any event if you are going to develop portions of those residential properties as part of an institution with road and everything else then they are going to have to become part of the site plan of the hospital and not the individual homes.

Steven Barshov: I don't believe that the road is on those properties that are my understanding of the site plan.

Whitney Singleton: So you are not going to use those portions of the R26 properties as a buffer or as any purpose of the development of the hospital.

Steven Barshov: Not that I am aware of.

Nanette Bourne: The buffer.

Steven Barshov: The buffer in a sense that they provided an amount of land. It is not sure that they are required for any buffer requirement. They are functional as a buffer but they are not like a wetland or some other kind of legal status.

Whitney Singleton: No but if you are going to use that area of this overall site for development and coverage of the set back. Anything of that nature is going to have to become part of the hospital site.

Steven Barshov: If that is necessary then we can certainly look at that as part of the site plan application. I don't know that it would even be necessary in those instances to do a sub division since it is creating new lots. It may have to be lot line adjustments if those are necessary and it may trigger some type of minor sub division review by this board. I don't think we are talking about a full-blown sub division application.

Whitney Singleton: I am not saying that we are. But for purposes of what is shown on the county record.

Steven Barshov: That I understand. If it does turn out through the site plan review process. That for lots coverage or for other reasons it's appropriate to have this property actually brought into the hospital's property and there would be a lot line adjustment. We can certainly make that decision at that time and take whatever action we needed concurrent with the site plan application.

Nanette Bourne: Just so that you realize in the village there is no such thing as a minor sub division or lot line adjustment. It is just a sub division.

Steven Barshov: If we have to do it then we have to do it.

Nanette Bourne: So you do not have to make a motion. It's not by resolution at this point. If this is acceptable to you to circulate then I will have it circulated this coming week the positive declaration that you did several months ago. That is all you have to do.

Steven Barshov: Does it require notice?

Nanette Bourne: Yes and Nancy will take care of that.

Steven Barshov: That does not require a motion of the board?

Nanette Bourne: No.

Steven Barshov: Set for the 12th?

Nanette Bourne: If that is ok with the board.

Chairman Cosentino: There is nothing that has to go out.

Steven Barshov: If possible for the 12th. It is not on the project it is only on the scoping. I don't think you will get a huge number of people coming forward with very lengthy presentations. I know this matter has been up before the board a number of times and

we are past the 60-day period that is required by the regulations. So if it would be possible to have it on the 12th?

Chairman Cosentino: We don't have that much for the 12th. Set the public hearing for the 12th.

4. Special Discussion

Woodcrest at Leonard Park:

Bill Balter, Tom Imperato, Wilder Balter Partners

Whitney Singleton: The applicant after going through the minutes of the meeting, with regard to the issue that they were originally going to be here for, this grading plan.

Tom Imperato: I asked the former secretary Patti Tipa to help me. At the time that we were looking she was taking care of the minutes. I thought we had looked through the entire meeting and couldn't find what we were looking for. Patti found what we were looking for.

Whitney Singleton: The applicant has reviewed and provided minutes, motions and approvals for the subject graphic plan. You did in fact approve the phase one grading plan prepared by Ralph Masterlone in 2004 in phase one utility plan dated 4/28 received on 4/30. Those things that they were coming here for are fully approved.

Bill Balter: We don't need any action from the board today. We are here because we have two minor changes that we made on the semi-attached portion of the project. We met with Whitney and Tom and Austin to discuss that it was something that did not need an approval for. Mike came back to us and said, and Whitney you can step in, Mike agreed we did not need an approval for but thought we should make you aware of it. I want to show you this. Basically we added on the side of the A unit. We added wing walls basically right here. (Viewing of site plans) The reason we did it was that we wanted to condense the units for the air conditioners on level ground here as opposed to having to put them in the front yard where they will be visible. So now they are tucked in. but in order to do that we needed to put these wing walls. Otherwise this slope we are doing came steeply down. They are small walls. We are doing them in stone, which will look esthetically very nice.

Anthony Sturniolo: The walls from the actual unit?

Bill Balter: They are connected. They go out about 2 feet. They come out like this and go down.

Doug Hertz: They are little retaining walls?

Bill Balter: Yes very small. This is what they look like. It looks a little odd because there is a turn in the wall. So you are looking at flat elevation but there is actually a turn. The wall comes at this point out. We are taking this piece of it and we are storm facing this piece and coming out.

Anthony Sturniolo: The unit is behind the wall.

Bill Balter: What is going to happen it will be down here.

Anthony Sturniolo: How far is the unit from the inside of the wall?

Bill Balter: It is probably a foot from the end.

Anthony Sturniolo: Do you still get enough air circulation around the units?

Bill Balter: Yes because it is all level.

Anthony Sturniolo: It will create a certain amount of shade too?

Bill Balter: One of those things that when you go through the planning process that connects the units. Although every single family home built now days has central air and it is never shown on the site plan. What would have happened you would have ended up seeing the front part. You see it all the time and it is not attractive. We had other options.

Anthony Sturniolo; From your point of view the life span of those condenser units as long as you have that air circulation around then the wall doesn't inhibit it. That is why every condenser unit is always a couple of feet away from the exterior of a house.

Bill Balter: The other issue, which would have all, been well, again we just wanted to let you know. On this site we have excess fill leaving the site. In order to minimize it we raised the road. Geometrically when you look at the plan it looks exactly the same. We raised the road from about this point basically from this end just this road. We raised it about 16 inches. This eliminates us taking approximately 10,000 yards of material off the site. By doing that we have fewer trucks going on the site. From an environmental standpoint it means we are cutting less and obviously there are no tree issues because we are cutting less. Essentially we are leaving more of the site. Michael looked at it and was under advisement and viewed the plan and said yes that he agreed. Basically we are raising the road and it doesn't change geometrically left or right at all. It is just to eliminate the excessive removal of fill from the site.

Whitney Singleton: Since Michael was not going to be here. He and I talked in advance of the meeting. This dates back several weeks ago when Michael, Austin myself and Bill met regarding this proposed change and we agreed that we were not going to make any comments or any suggestions until Bill had submitted engineering documents to Michael. He has reviewed those; he is of the belief and stated to me and to Bill that he has no reservations with regard to this. It minimizes the impact on the site. It doesn't change the geometry of the road. It eliminates the need for removing whatever the quantity of fill Bill stated it was. That there are no adverse impacts as a result of this. He does not in his estimation nor do mine need your board approval. Because of the fact that he is relatively new with the village he did not want to authorize this without at least it being presented to the board. He thinks that it will be a less impact result. Simply wanted the applicant to come here to show you what they were doing and ask if there was any negative feedback from your board. Michael in his estimation would allow them to do this work.

Anthony Sturniolo: If we were to do a walk through, site visit. How much can we drive on at this point? How much do you need boots that are this tall?

Bill Balter: The goal is to see the site down here I believe about June 1st. Right now because of the time of year it is very muddy. With a vehicle you can drive to the end right now but is very muddy. You can drive all the way to here. (Viewing of Site Plan) If any of you would like to come all we ask is that you let us know.

Anthony Sturniolo: What I am thinking Mr. Chairman. I have been here a couple of times when we were addressing the quote unquote things where the construction trailer was and then bridging over the wall flow area. I have not been back since. I would like to get a sense.

Bill Balter: The week after Saturday we are having a hard hat tour for all the seniors that are moving in. We are having 250 people there. Next Saturday will be nuts because we are working Sunday as well just trying to get ready for that. Anytime after the 10th would be better for us. If that is ok with you?

Chairman Cosentino: Does the building inspector know that? You are having 250 people there.

Bill Balter: We are not having in the building we are having a tent.

Chairman Cosentino: I still think you need a permit.

Bill Balter: I did make the village manager aware of it.

Chairman Cosentino: He is having 250 people over there at the site. I said you might need a permit for a tent.

Whitney Singleton: For a temporary tent you will need to talk to Austin.

Chairman Cosentino: I just don't want somebody to say how come he is doing it and no permit.

Anthony Sturniolo: I would love to see this as soon as it is reasonable.

Bill Balter: How about the 17th?

Anthony Sturniolo: Would Tom be available?

Bill Balter: I would prefer the 16th because it would be a lot less stressful for us.

Chairman Cosentino: Ok it will be the 16th and notices to be sent out for 9:00 to meet at the Municipal Building.

Bill Balter: It will take at least an hour.

5. Site Plan Compliance:

a. Mount Kisco Commons: Represented by Dan Hollis

Nanette Bourne: Mt. Kisco Commons the revised resolution is included in here just so that you can see that the changes that you wanted made have been made. It is ready for signature. This is another one that the format had been changed when sent. The information is not wrong; it was changed around.

Dan Hollis: Nanette said it is all the same.

Anthony Sturniolo: With the previous applicant the hospital it was impossible to follow.

Chairman Cosentino: All of this has been completed?

Nanette Bourne: Yes.

Chairman Cosentino: Whitney you checked this resolution?

Whitney Singleton: I will compare it against this prior one. I have not done it yet. I will do it right before you adjourn.

Chairman Cosentino: So what do you want us to do Nanette?

Nanette Bourne: You don't have to do anything. It is just to show you that it is done.

Dan Hollis: Resolution authorizing the chairman to sign it is that required or not?

Whitney Singleton: We have already authorized it.

Dan Hollis: So you will just sign it and I will get a copy?

Stanley Bernstein: Didn't we at one time question the parking of school buses in the parking lot? I go by there pretty often and there are school buses and Jodi was to take care of it and apparently she has not. One explanation was that there was school buses transporting seniors shopping and that is understandable. The little mini buses, it is suppose to be employees working there are using the parking spots.

Dan Hollis: Where are they parking and when are they there?

Stanley Bernstein: Pretty much in the afternoon and they are in the main parking lot. Out towards Preston Way.

Dan Hollis: It could be anything, I have no answer as to which they are.

Stanley Bernstein: If I saw one or two but this is everyday. We already mentioned this.

Dan Hollis: I will mention it to Jodi again. Are they Bedford Central employees and I don't know who they are? We will mention it again.

Stanley Bernstein: Ok.

Dan Hollis: I will get a copy when it is signed Mr. Chairman.

6. Steep Slopes Permit

a. Heath Wasseem – 22 High Street

Nanette Bourne: What I know of this application is that it requires a disturbance permit. This natural resource disturbance permit just so you know it requires a public hearing on

this. As a result of some modification's to the grading. The grading was done and it looks like it disturbed a 14-inch locust tree.

Chairman Cosentino: The work was done already?

Heath Wasseem: In execution of a fill permit issued by the town. In a compliance inspection by Mike Stein and actually there were two compliance inspections done by Mr. Zane at the time. When Mike Stein came in at the very end of the compliance inspection he stated that I might have encroached on some steep slopes and you will see the letter. Approximately 300 square feet one area is 65 feet and one area of about 220 square feet. It exceeded the 100 square foot requirement or code of the steep slope permit.

Nanette Bourne: What needs to be done on this is an application for a natural resource disturbance permit has to made. There needs to be a public hearing requiring 15 days notice and a more detailed site inspection should be done.

Heath Wasseem: I was under the impression that Mike Stein was supposed to have visited last week.

Nanette Bourne: He did and I think someone from my office would like to go out and just so we can check it out.

Stanley Bernstein: We should look at it as well.

Nanette Bourne: Exactly. We know that this one tree the roots were destroyed so that tree would have to be mitigated in some way. It was a 14-inch locust.

Heath Wasseem: The tree is on site, it was just changed in elevation, and it was not destroyed.

Nanette Bourne: What I got from Mike was you cut the root system so it is unlikely that the tree would survive. I would want someone that has tree experience to do an inspection.

Heath Wasseem: I was not aware of this. It was in the building of the house about five years ago and I guess the contractor at the time had cut down an existing tree there but it is still in its original ball. If you want someone to inspect that it is fine. I don't see any issues with that tree.

Nanette Bourne: It just may need to be replaced.

Stanley Bernstein: Why are you cutting into the steep slopes?

Heath Wasseem: Actually adding fill on top of the steep slopes not cutting in at all.

Stanley Bernstein: For what reason?

Heath Wasseem: The existing slope basically in the construction of the house was a small plateau two dropping off sides. I installed two stone retaining walls and added fill to create a level area for a patio. It was rather steep on both sides and actually drained off onto my neighbor's property on both sides and wanted to level that out and it now drains into my lower level back yard.

Whitney Singleton: Is this in justice court for prosecution?

Heath Wasseem: All those are pending on this application for a steep slope permit. Those two issues have been settled.

Whitney Singleton: What do you mean they have been settled? Fully resolved?

Heath Wasseem: This is the only thing being it issue.

Chairman Cosentino: This is not High Street Extension, just High Street. Nanette what we need on this?

Nanette Bourne: Submit a natural resource disturbance permit. Have you done that already?

Whitney Singleton: I think you need to get some feedback from Michael.

Nanette Bourne: I spoke with Michael on this other day. This could be on your April 12th agenda for review and at that time you could set up a public hearing for the 26th of April.

Chairman Cosentino: You are going to be working with them on this right?

Nanette Bourne: Yes.

Chairman Cosentino: The application has to have a deposit?

Nanette Bourne: That is right. With the submission of the permit there is a fee and I am assuming Nancy that a fee was taken?

Nancy Placona: No fee was taken.

Whitney Singleton: A fee as in escrow deposit right?

Chairman Cosentino: Right.

Nanette Bourne: I was going to village hall on Monday to make sure that you met all your administrative requirements.

Chairman Cosentino: Yes let's go through the procedure and talk with Mike Stein on the application and the fee. Then work it with Nanette. There will be two fees.

Nanette Bourne: This is a question. This is just a disturbance permit does it require an application?

Whitney Singleton: Under the village code to disturb more than certain areas require a separate application.

Nanette Bourne: That is what Nancy has. He has already submitted the application. Does it require an application for a site plan?

Whitney Singleton: For filling in an excavation of land I don't have anything on that.

Heath Wasseem: An application as well as plans as well as when it was done have been submitted.

Whitney Singleton: I am just saying I can't comment on that right now. I do not have anything in front of me and it is not on my agenda.

Nanette Bourne: I would ask when you go into village hall on Monday. I would specifically ask Nancy and Mike those questions. So that you make sure you have a fully completed application so you can get on the agenda.

Whitney Singleton: Nancy if you want to get me a copy of the plans or give me one today. (Plans passed to Whitney)

Chairman Cosentino: There are to be two fees. One for the application and one for the escrow. I think the escrow will be \$1,500.

Heath Wasseem: Is that a set fee?

Nanette Bourne: It is a set fee and whatever is not used is returned to you.

Heath Wasseem: What is applied to the escrow?

Chairman Cosentino: Professional services.

Nanette Bourne: Professional services, any visiting of the site by me village engineer or the village naturalist.

Whitney Singleton: Any review by her, engineering or me.

Chairman Cosentino: It gets a little complicated.

Heath Wasseem: It has been very complicated.

Whitney Singleton: This is being prosecuted right now.

Chairman Cosentino: I did not know that.

Whitney Singleton: I spoke with Jim Palmer the other day and he asked me what the status of the application was on High Street with regard to the Planning Board but we haven't seen anything.

Chairman Cosentino: I did not know this.

Whitney Singleton: This has been in the courts for years. He said we are waiting for this thing in the courts; he has to make an application to your board.

Chairman Cosentino: You knew something we did not know.

6. Environmental Monitoring Updates

Nanette Bourne: On environmental monitoring updates we've been having to issues with both Woodcrest and with JobCo on tracking of dirt out to the street.

7. Correspondence:

- a. Letter from Bill Williams, passing of Richard Brown
- b. Letter Bill Williams regarding construction project
- c. David Weiss Green Street, Lexington replacing of the bridge.

d. Austin Cassidy Handicap parking space design

Anthony Sturniolo: On the memo from Austin. These ties into what we were discussing on the agenda with the lighting standards. One of the things discussed when we had our re-organizational meeting was things like lighting standards, submitting applications fees. Because of the issue at 30 West Main Street regarding parking of the handicapped spaces and did they need the additional space or not. We were somewhat collectively a little confused about how the code reads. I am even more confused after reading this memo. I just want to know using 30 West Main as an example, is the code accurate. I know we talked about tweaking it because of that example. Now this memo seems to lead you to believe that it doesn't need to be.

Whitney Singleton: I am sorry can you restate.

Anthony Sturniolo: Awhile ago when we were talking about 30 West Main. The handicap space the building inspector highlighted. There was concern about the width of the adjacent space and using certain examples in the village including Target and A&P that we felt there was not a standard.

Whitney Singleton: That is correct.

Anthony Sturniolo: What we talked about was at our organizational meeting of and Nanette had a couple of other ideas that she wanted to incorporate in the code for changes. Over and above the lighting. The standard was one of the things we had discussed about addressing. Now I read this Austin Cassidy memo and I am even more confused. I thought we left it that we did have a standard that we need to come to grips with.

Whitney Singleton: There is a standard under building fire code which requires a certain depth and width per handicap space. In addition to a loading area with a minimum depth and width. What we have is a width for our parking spaces in excess of what the state requires. Then if you adopt the width for the loading area in accordance with what the state requires our overall width between those two pieces with otherwise exceed what the state requires. What we had to inform the building department was that with regard to 30 West Main St, that was something that we had very little ability to modify the site to accommodate and the village to do something in a different fashion. It is to be 5-foot width for the loading area and 9 feet 6 inches for the parking stalls. That was in writing.

Anthony Sturniolo: In going forward with that we were going to add that to a list of suggested changes to the village code.

Whitney Singleton: If you look at the actual parking regulations for the village it doesn't call out what that width needs to be for the loading area.

Anthony Sturniolo: So if we were going to add that to the suggested changes to the village code how does this memo dovetail into what I just said or where we just left the conversation off.

Whitney Singleton: I will have to go through it.

Stanley Bernstein: It is complicated but it seems to me that the New York State building code takes precedence and if we just use that it doesn't have to go any further.

Chairman Cosentino: I called Austin about it and he told me to stop in and he would explain it to me.

Stanley Bernstein: Why can't the American's Disabilities Act call for what has to be. Why can't we just follow what is there instead of bothering with the code. Why can't we use the NYS regulations?

Whitney Singleton: NYS is a minimal that we would apply.

Nanette Bourne: To answer your question Stan the reason why it is a good idea to put it in the code is that we had two building inspectors and two different interpretations. It created a lot of problems so our code needs to read clear enough so no matter who is the building inspector it is clear what the requirements are.

Stanley Bernstein: But we will refer to NYS requirements.

Nanette Bourne: I think as far as the practice has been is past practice but it is not caused by and not clear. We are trying to create one consistent application of the requirement.

Anthony Sturniolo: That is my point is to codify this whole thing is one set of numbers in the code and that is it. That what is what I thought was on our shopping list of things to do. Then I read this memo this further confuses me even though the building inspector wasn't brought on that conversation of the shopping list.

Nanette Bourne: This really confirms Austin's practice which is different than the interpretation that the building inspector of now.

Chairman Cosentino: Did Richard Stein see this?

Nanette Bourne: Yes.

Anthony Sturniolo: Whitney could you look at this.

Whitney Singleton: Yes. If you even want to roll it over to the second agenda which is fine.

e. Letter from Austin Cassidy on zoning information

f. Minutes from the Beautification Committee.

g. Minutes from CAC.

h. Letter from Hocherman, Tortorello.

i. Letter from Metropolitan Transportation.

j. Flyer from Westchester Municipal Planning Federation

k. Letter from NYC DEP to Michael Stein Lead Agency for Saw Mill Tennis.

Chairman Cosentino: Mr. Chairman I will make a motion to adjourn the meeting of today's meeting March 26th regarding the agenda dated March 8th 2005.

Doug Hertz: Second.

Chairman Cosentino: Motion by Vice Chair Sturniolo second by Doug Hertz all in favor
Board All Ayes.

Respectfully Submitted By,

Stanley Bernstein

